

JAN 19 2023

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 there is great
3 demand for high quality mental health practitioners in the
4 State, particularly in the aftermath of the coronavirus disease
5 2019. The purpose of this Act is to expand access to high
6 quality mental health services by:

7 (1) Establishing provisional or associate-level licensure
8 requirements and reimbursement allowances for certain
9 mental health practitioners in training; and

10 (2) Allowing psychologist license applicants to sit for
11 the licensing examination before completing other
12 requirements.

13 PART II

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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



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

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

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

18 "~~[{]~~§451J-9~~[}]~~ **Licensure fees.** Licenses shall be valid
 19 for three years and shall be renewed triennially~~[-]~~; provided
 20 that provisional licenses shall be renewed pursuant to section
 21 451J- . Any applicant for renewal of a license that has



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

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

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

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



1 " [+]§451J-12[+] **Confidentiality and privileged**
2 **communications.** No person licensed as a marriage and family
3 therapist[-] or associate marriage and family therapist, nor any
4 of the person's employees or associates, shall be required to
5 disclose any information that the person may have acquired in
6 rendering marriage and family therapy services except in the
7 following circumstances:

8 (1) As required by law;

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

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

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

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



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

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

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



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



- 1 (D) Group theory and practice, including but not
2 limited to principles of group dynamics, group
3 process, group leadership styles, theories and
4 methods of group counseling, and the application
5 of theory to the group processes;
- 6 (E) Career and lifestyle development, including but
7 not limited to the study of vocational
8 development theories and decision-making models,
9 assessment instruments, and techniques, types,
10 sources, and uses of occupational and educational
11 information systems, career development
12 applications, and career counseling processes,
13 techniques, and resources;
- 14 (F) Appraisal of human behavior, including but not
15 limited to assessment and diagnosis of disorders
16 with an emphasis on DSM categories and an
17 understanding of these disorders relative to the
18 counseling context;
- 19 (G) Tests and measurements, including but not limited
20 to theoretical and historical bases for
21 assessment techniques, and assessment methods,



1 including analysis of various types of tests to
2 select, administer, interpret, and use assessment
3 and evaluation instruments and techniques in
4 counseling;

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

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

17 (J) At least two academic terms of supervised mental
18 health practicum intern experience for graduate
19 credit of at least six semester hours or ten
20 quarter hours in a mental health counseling
21 setting, with a total of three hundred hours of



1 supervised client contact. The practicum
2 experience shall be completed under the clinical
3 supervision of a person who is licensed as a
4 mental health counselor, psychologist, clinical
5 social worker, advanced practice registered nurse
6 with a specialty in mental health, marriage and
7 family therapist, or physician with a specialty
8 in psychiatry;

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

16 (3) Has passed the National Counselor Examination for
17 Licensure and Certification in accordance with section
18 453D-9.

19 (b) Each provisional license shall include the name and
20 title of the licensed mental health counselor or therapists
21 described in subsection (a) (2). A provisional licensee or



1 licensed associate mental health counselor may only practice
2 mental health counseling under the direct supervision of the
3 licensed mental health counselor.

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

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

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

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

20 "Associate mental health counselor" or "licensed associate
21 mental health counselor" means a person who:



- 1 (1) Has completed all education requirements under section
- 2 453D- (a) (1);
- 3 (2) Has been issued a provisional license under this
- 4 chapter; and
- 5 (3) Is currently earning supervised clinical experience in
- 6 mental health counseling under clinical supervision."

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

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

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

20 SECTION 13. Section 453D-3, Hawaii Revised Statutes, is
21 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" ~~[e]~~, "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
9 shall use a title stating or implying that the person
10 is a "licensed mental health counselor" ~~[or]~~, "mental
11 health counselor", "licensed associate mental health
12 counselor", or "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", or "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 "~~[-]~~ **§453D-10** ~~[-]~~ **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~~[r]~~ 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 may disclose information from any person in
15 accordance with that person's waiver; or

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

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

20 "[~~§~~453D-14~~]~~ Mental health counselor or associate

21 mental health counselor prohibited from testifying in alimony



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

8 PART IV

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

12 "§465- Provisional license; associate psychologist;
13 services reimbursable. (a) The board shall grant, upon
14 application and payment of proper fees, provisional licensure as
15 an associate psychologist to an individual who:

16 (1) Possesses a doctoral degree from:

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



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

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

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

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

15 (2) The supervising licensed psychologist shall notify the
16 board within ten days of the termination or completion
17 of the supervision.

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



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

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

11 "Associate psychologist" or "licensed associate
12 psychologist" means a person who:

- 13 (1) Has completed all educational requirements under
14 section 465- (a) (1);
15 (2) Has been issued a provisional license under this
16 chapter; and
17 (3) Is currently engaging in post-doctoral supervised
18 experience in health service in psychology pursuant to
19 an organized health service training program approved
20 by the board."



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

3 "§465-2 License required. Except as otherwise provided in
4 this chapter, it shall be unlawful to represent one's self as a
5 psychologist or associate psychologist or engage in the practice
6 of psychology without having first obtained a license as
7 provided in this chapter."

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

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

11 (1) Any person teaching, lecturing, consulting, or
12 engaging in research in psychology insofar as the
13 activities are performed as part of or are dependent
14 upon employment in a college or university; provided
15 that the person shall not engage in the practice of
16 psychology outside the responsibilities of the
17 person's employment;

18 (2) Any person who performs any, or any combination, of
19 the professional services defined as the practice of
20 psychology under the direction of a licensed
21 psychologist in accordance with rules adopted by the



1 board; provided that the person may use the term
2 "psychological assistant", but shall not identify the
3 person's self as a psychologist or imply that the
4 person is licensed to practice psychology;

5 (3) Any person employed by a local, state, or federal
6 government agency in a school psychologist or
7 psychological examiner position, or a position that
8 does not involve diagnostic or treatment services, but
9 only at those times when that person is carrying out
10 the functions of ~~[such]~~ the government employment;

11 (4) Any person who is a student of psychology [~~—a~~
12 ~~psychological intern, or a resident in psychology~~
13 ~~preparing for the profession of psychology under~~
14 ~~supervision in a training institution or facility and~~
15 ~~who is designated by a title as "psychology trainee",~~
16 ~~"psychology student", "psychology intern", or~~
17 ~~"psychology resident", that indicates the person's~~
18 ~~training status~~]; provided that the person shall not
19 identify the person's self as a psychologist or
20 associate psychologist or imply that the person is
21 licensed to practice psychology;



- 1 (5) Any person who is a member of another profession
2 licensed under the laws of this jurisdiction to render
3 or advertise services, including psychotherapy, within
4 the scope of practice as defined in the statutes or
5 rules regulating the person's professional practice;
6 provided that, notwithstanding section 465-1, the
7 person does not represent the person's self to be a
8 psychologist [~~or does not represent that the person~~
9 is], associate psychologist, or an individual licensed
10 to practice psychology;
- 11 (6) Any person who is a member of a mental health
12 profession not requiring licensure; provided that the
13 person functions only within the person's professional
14 capacities; and provided further that the person does
15 not represent the person to be a psychologist[~~7~~] or
16 associate psychologist or the person's services as
17 psychological;
- 18 (7) Any person who is a duly recognized member of the
19 clergy; provided that the person functions only within
20 the person's capacities as a member of the clergy; and
21 provided further that the person does not represent



1 the person to be a psychologist[~~7~~] or associate
2 psychologist or the person's services as
3 psychological; or

- 4 (8) Any psychologist employed by the United States
5 Department of Defense, while engaged in the discharge
6 of the psychologist's official duty and providing
7 direct telehealth support or services, as defined in
8 section 431:10A-116.3, to neighbor island
9 beneficiaries within a Hawaii National Guard armory on
10 the island of Kauai, Hawaii, Molokai, or Maui;
11 provided that the psychologist employed by the United
12 States Department of Defense is credentialed by
13 Tripler Army Medical Center[~~7~~;~~or~~
14 ~~(9) Any supervisee of a licensed psychologist as defined~~
15 ~~in section 465D-7]."~~

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

18 "(a) Notwithstanding other provisions in this chapter, the
19 director of health may certify that there is an absence or
20 shortage of licensed psychologists or associate psychologists
21 for government employment in a particular locality. Upon



1 receiving certification of the absence or shortage, the board
2 shall authorize the director to hire and retain persons
3 currently in government employment to fill the absence or
4 shortage; provided persons hired or retained have been duly
5 licensed as a psychologist by written examination under the laws
6 of another state or territory of the United States prior to
7 1977."

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

10 "§465-6 Powers and duties. In addition to any other
11 powers and duties authorized by law, the board shall:

12 (1) Examine the qualifications of applicants for licensing
13 under this chapter to determine their eligibility for
14 licensing as psychologists[+] or associate
15 psychologists;

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



- 1 (3) Keep a record of action taken on all applicants for
2 licensing; the names of all persons licensed;
3 petitions for temporary permits; actions involving
4 suspension, revocation, or denial of licenses;
5 decisions on waiver of examination in whole or in part
6 and receipt and disbursal of any moneys; and
7 (4) Adopt, amend, and repeal pursuant to chapter 91, rules
8 as it deems proper for the purposes of this chapter."

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

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

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

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



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

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

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

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

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

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

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



1 "§465-7.6 Licensure of state employed clinical
2 psychologists. (a) A psychologist employed in a civil service
3 clinical psychologist position in this State after January 1,
4 1988, shall be licensed subject to:

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

8 provided that, if the psychologist is not able to obtain
9 licensure within two years, the board may grant a waiver if the
10 psychologist can demonstrate the delay was caused by
11 circumstances beyond their control.

12 (b) [~~After~~] Absent a waiver obtained pursuant to
13 subsection (a), after the time period in subsection (a)(2) has
14 expired, a psychologist, employed in a civil service clinical
15 psychologist position rendering diagnostic or treatment
16 services, who has not obtained a license, shall immediately
17 cease and desist the practice of psychology until a license is
18 obtained pursuant to this chapter."

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



1 "§465-8 Licenses, issuance, display. Upon the board
2 forwarding to the director the name of each applicant who is
3 entitled to a license under this chapter and upon receipt of the
4 prescribed fee, the director shall promptly issue to each
5 applicant a license authorizing the applicant to engage in the
6 practice of psychology for a period of two years. The license
7 shall be in the form as the director shall determine. A
8 licensed psychologist or associate psychologist shall display
9 the license in a conspicuous place in the psychologist's or
10 associate psychologist's principal place of business[-];
11 provided that a provisional license shall include the name and
12 title of the supervising licensed psychologist or
13 psychologists."

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

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

17 "(a) Every license issued under this chapter shall be
18 renewed biennially on or before June 30 of each even-numbered
19 year. Failure to renew a license shall result in forfeiture of
20 the license; provided that a psychologist whose license has been
21 forfeited for one year or less for failure to renew may restore



1 the license by payment of the renewal fee and, in the case of a
2 psychologist who is audited, pursuant to subsection (g),
3 submission of documentation of continuing education compliance,
4 for the biennium in which the failure occurred[-]; provided
5 further that the board may grant waivers or extensions if the
6 licensee can demonstrate a delay was due to circumstances beyond
7 the licensee's control. If licensing has lapsed for more than
8 one year, the person may reapply for a license in the manner
9 prescribed in this chapter."

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

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

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

17 "(a) No person shall:

18 (1) Use in connection with the person's name any
19 designation tending to imply that the person is a
20 licensed psychologist or licensed associate



- 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 PART VI

19 SECTION 32. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 343

1 SECTION 33. This Act shall take effect upon its approval;
2 provided that any provision in this Act authorizing insurance
3 reimbursement for services shall be subject to approval by the
4 Centers for Medicare and Medicaid Services.

5

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'ATC', is written over a horizontal line.



S.B. NO. 343

Report Title:

Mental Health; Provisional Licensure; Associate Licensure; Marriage and Family Therapists; Mental Health Counselors; Psychologists; Examinations; Waivers; Social Work Interns; Insurance Reimbursements

Description:

Establishes provisional or associate-level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing certain other requirements. Allows the Board of Psychology to grant licensure waivers in certain circumstances for psychologists. Authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances.

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

