

A Bill for an Act Relating to Psychologists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The board of acupuncture, board of public accountancy, board of barbers, board of cosmetology, boxing commission, board of chiropractic examiners, contractors license board, board of dental examiners, board of electricians and plumbers, elevator mechanics licensing board, board of registration for professional engineers, architects, and surveyors, [factory built housing advisory board,] board of hearing aid dealers and fitters, board of massage, board of medical examiners, motor vehicle industry licensing board, motor vehicle repair industry board, board of examiners in naturopathy, board of nursing, board of examiners of nursing home administrators, board of dispensing opticians, board of examiners in optometry, board of osteopathic examiners, pest control board, board of pharmacy, board of [practicing psychologists,] psychology, board of detectives and guards, real estate commission, board of veterinary examiners, and speech pathology and audiology are placed within the department of commerce and consumer affairs for administrative purposes.”

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The following chapters are hereby repealed effective December 31, 1988:

- (1) Chapter 465 (Board of [Certification for Practicing Psychologists]) Psychology)
- (2) Chapter 468E (Board of Speech Pathology and Audiology)
- (3) Chapter 359L (Factory Built Housing Advisory Board)
- (4) Chapter 468B (Solar Energy Device Dealers)
- (5) Chapter 468K (Travel Agencies)
- (6) Chapter 373 (Commercial Employment Agencies)
- (7) Chapter 442 (Board of Chiropractic Examiners)
- (8) Chapter 448 (Board of Dental Examiners)”

SECTION 3. Section 465-1, Hawaii Revised Statutes, is amended by amending the definition of “board” to read as follows:

““Board” means the board of [certification for practicing psychologists.] psychology.”

SECTION 4. Section 465-2, Hawaii Revised Statutes, is amended to read as follows:

“**§465-2 [Certification] License required.** Except as otherwise provided in this chapter, [no person shall represent himself to be] it shall be unlawful to represent one's self as a psychologist or engage in the practice of psychology without having first obtained a [certificate] license as provided in this chapter.”

SECTION 5. Section 465-3, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology as defined in section 465-1 outside the responsibilities of the person's employment;
- (2) Any person who performs any, or any combination[,] of the professional services [described in section 465-1(5)] defined as the practice of psychology in section 465-1 under the direction of a person who is qualified under this chapter; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;
- (3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under government licensing or under civil service regulations, but only at those times when that person is carrying out the functions of such governmental employment; or
- (4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as ["psychological trainee"] "psychology trainee" or "psychology student" which indicates [their] the person's training status; [or] provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology.
- [(5) Any person who holds a license to practice medicine and surgery in the State.]

(b) Nothing in this chapter shall in any way restrict any person from carrying on any of the psychological activities [in subsection (a),] as defined in section 465-1; provided that such person does not offer psychological services as defined in this chapter except as such activities are incidental to [his] the person's lawful occupational purpose.

(c) A person may use the title of industrial/organizational psychologist, provided that the person registers with the board, and:

- (1) Is professionally competent in the practice of industrial/organizational psychology; and
- (2) Holds a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology, satisfactory to the board[;

and does not engage in the practice of psychology as defined in section 465-1(5)."

SECTION 6. Section 465-4, Hawaii Revised Statutes, is amended to read as follows:

"§465-4 Board of [certification for practicing psychologists;] psychology; appointment, qualifications, term, expenses. (a) There is created a board of [certification for practicing psychologists,] psychology within the department of commerce and consumer affairs for administrative purposes, consisting of seven members. In accordance with section 26-34, the governor shall appoint, with the advice and consent of the senate, five members representing varied specialties of the profession from persons who would qualify for [certification] licensure under this chapter and two lay members from the community at large. [The terms of the board will be overlapping. Two psychologists and one lay member will be

appointed for three years, two psychologists and one lay member will be appointed for two years, and one psychologist will be appointed for one year.] The board shall elect one of its members to serve as chairman.

(b) Members shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in the performance of official duties on islands other than [on] the island of their residence."

SECTION 7. Section 465-5, Hawaii Revised Statutes, is amended to read as follows:

"§465-5 Meetings; quorum. The first meeting of the board [of certification for practicing psychologists] shall be held within thirty days after the appointment of the board at a time and place designated by the governor. Thereafter, the board shall meet at least once a year and as many other times as the board may deem necessary to discharge its duties. Four members of the board constitute a quorum."

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

"§465-6 Powers and duties. The board [of certification for practicing psychologists] shall:

- (1) Examine the qualifications of applicants for [certification] licensing under this chapter to determine their eligibility for [certification] licensing as psychologists and forward to the director the names of applicants who are eligible for [certification] licensing no later than ninety days after the date of application;
- (2) Prepare, administer, and grade examinations and tests for applicants as may be required for the purposes of this chapter. The board shall determine the scope and length of the examinations and tests, whether they shall be oral, written, or both and the score that shall be deemed a passing score. Examinations must be scheduled at least once annually;
- (3) Keep a record of action taken on all applicants for [certification;] licensing; the names of all persons [certified;] licensed; petitions for temporary [certificates;] permits; actions involving suspension, revocation, or denial of [certificates;] licenses; and recommendations for reciprocity and receipt and disbursement of any moneys; and
- (4) [Promulgate,] Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter."

SECTION 9. Section 465-7, Hawaii Revised Statutes, is amended to read as follows:

"§465-7 Requirements for licensing. Every applicant for a license as a psychologist shall submit evidence satisfactory to the board that the applicant meets the requirements set forth in paragraphs (1) and (2), or (3), and (4).¹

- (1) Is professionally competent and has demonstrated knowledge in the practice of psychology.
- (2) Holds a doctoral degree from [an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board.] a training program approved by the American Psychological Association (APA), or holds a doctoral degree from a regionally accredited institution of higher education and also meets the experiential requirements for

inclusion in the National Register of Health Service Providers in Psychology.

- (3) Holds a diplomate certificate in good standing granted by the American Board of Examiners in Professional Psychology.
- (4) Has passed an examination as may be prescribed by the board."

SECTION 10. Section 465-8, Hawaii Revised Statutes, is amended to read as follows:

"§465-8 Licenses, issuance, display. Upon the board [of certification for practicing psychologists] forwarding to the director the name of each applicant who is entitled to a license under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each applicant a license authorizing the applicant to engage in the practice of psychology for a period of two years. The license shall be in the form as the director shall determine. A licensed psychologist shall display the license in a conspicuous place in the psychologist's principal place of business."

SECTION 11. Section 465-9, Hawaii Revised Statutes, is amended to read as follows:

"§465-9 Temporary permit. A person not [certified] licensed in the State who wishes to engage in the practice of psychology for a period not to exceed ninety days within a calendar year shall petition the board for a temporary permit. If the person is licensed or certified in another state deemed by the board [of certification for practicing psychologists] to have standards equivalent to this chapter, [he] the person shall be entitled to a temporary permit in the same manner and subject to the same conditions specified in section 465-8 applicable to the issuance of [certificates.] licenses. The period of ninety days may be extended at the discretion of the board but not to exceed ninety days."

SECTION 12. Section 465-10, Hawaii Revised Statutes, is amended to read as follows:

"§465-10 Reciprocity. (a) The board [of certification for practicing psychologists] may recommend licensing without written or oral examination of an applicant who has not previously failed to pass an examination in psychology prescribed by the board and who submits evidence satisfactory to the board that the applicant:

- (1) Holds a doctoral degree from an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board; and
- (2) Is certified or licensed, and in good standing, to practice psychology in another state deemed by the board to have standards equivalent to this chapter; or
- (3) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology.

(b) The director [of commerce and consumer affairs] shall issue a license under this section in the same manner and subject to the same conditions specified in section 465-8."

SECTION 13. Section 465-12, Hawaii Revised Statutes, is amended to read as follows:

"§465-12 Fees; disposition. Application, examination, [certificate,] license, renewal, and temporary permit fees required by this chapter, none of

which are refundable, shall be as provided in rules adopted by the director pursuant to chapter 91.

All fees shall be paid to the director and shall be deposited with the director of finance to the credit of the general fund."

SECTION 14. Section 465-13, Hawaii Revised Statutes, is amended to read as follows:

"§465-13 Denial, suspension, revocation of license, or probation of a license holder. The board [of certification for practicing psychologists] shall refuse to grant a license to any applicant and may revoke or suspend any license, or may place a license, or may put a license holder on conditional probation, upon any of the following grounds:

- (1) Professional misconduct or gross carelessness or manifest incapacity in the practice of psychology;
- (2) Habitual use of narcotic drugs or any other substance which impairs the intellect and judgment to such an extent as to incapacitate the applicant or license holder for the practice of psychology;
- (3) Habitual drunkenness;
- (4) Violation of this chapter by the applicant within one year of the application, or violation of this chapter by a license holder any time the license is valid; or
- (5) Any unethical practice of psychology as defined by the board in accordance with its own rules."

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

"§465-14 Procedure. All proceedings for denial, suspension, or revocation of a [certificate] license or permit on any ground specified in section 465-13 shall be pursuant to chapter 91, including the right of judicial review."

SECTION 16. Section 465-15, Hawaii Revised Statutes, is amended to read as follows:

"§465-15 Prohibited acts; penalties. (a) No person shall:

- (1) Use in connection with the person's name any designation tending to imply that the person is a licensed psychologist unless the person is duly licensed and authorized under this chapter[.];
- (2) Represent oneself as a licensed psychologist during the time the person's license issued under this chapter is suspended or revoked;
- (3) Advertise or make a representation, either publicly or privately, as being a psychologist, licensed or otherwise, or as being able to perform professional services described in section [465-1(5),] 465-1, except as otherwise provided in this chapter, without having a valid unrevoked license or temporary permit issued by the director[.]; or
- (4) Otherwise violate this chapter.

(b) Any person who violates this chapter shall be fined not more than \$500 or imprisoned not more than one year, or both."

SECTION 17. Section 481B-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person who deposits any money to attend a sensitivity-awareness group seminar and before the first day of the seminar, requests to cancel his or her right to attend and requests a refund of moneys deposited or

paid, shall be refunded in full less identifiable nonrecoverable costs not to exceed the lesser of \$50 or twenty per cent of the price of the course, by the sensitivity-awareness group. Any person who while attending or after completing a sensitivity-awareness seminar, deposits any money to attend subsequent seminars of a sensitivity-awareness group and within five days of making the deposit or before the first day of the subsequent seminar, whichever occurs later, requests to cancel his or her right to attend and requests a refund of moneys deposited or paid, shall be refunded in full less identifiable nonrecoverable costs not to exceed the lesser of \$50 or twenty per cent of the price of the course, by the sensitivity-awareness group. Any offering of a sensitivity-awareness group seminar by a representative of the sensitivity-awareness group sponsoring the sensitivity-awareness group seminar shall disclose to the offeree these rights of refund.

For purposes of this section, "sensitivity-awareness groups" includes any individual, associated group of persons, or organizations which advertise or assert that attendance by persons at seminars, meetings, training sessions, therapy sessions, or the like sponsored by the individual, group, or organization, will help the persons attending have greater self-awareness or awareness of others, greater self-understanding or understanding of others, or greater capacity for life adjustment or success in life; provided that psychological or psychotherapeutic techniques are used as part of the individual's, group's, or organization's methodology at the seminars, meetings, training sessions, therapy sessions, or the like. The term "sensitivity-awareness groups" does not include [certified] licensed psychologists, or psychologists with a temporary permit, in accordance with chapter 465, or a psychiatrist licensed in accordance with chapter 453, who teach, direct, administer, conduct, preside over, or are similarly involved in seminars, meetings, training sessions, therapy sessions, or the like.

"Sensitivity-awareness group seminars" means any seminar, meeting, training session, therapy session, or the like sponsored by a sensitivity-awareness group for which monetary compensation is required from persons to attend."

SECTION 18. Section 626-1, Hawaii Revised Statutes, is amended by amending subsection (a) of rule 504.1 to read as follows:

"(a) Definitions. As used in this rule:

- (1) A "client" is a person who consults or is examined or interviewed by a psychologist.
- (2) A "psychologist" is a person [certified,] licensed, or reasonably believed by the client to be [certified,] licensed, to practice psychology under chapter 465, while engaged in interviewing, counseling, or psychotherapy with respect to behavioral problems, including substance addiction or abuse.
- (3) A communication is "confidential" if not intended to be disclosed to third persons other than those present to further the interest of the client in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the counseling or psychotherapy under the direction of the psychologist, including members of the client's family."

SECTION 19. Any person enrolled in an APA-approved program or a regionally accredited school prior to January 1, 1986 and who meets the requirements established by the Board of Psychology, need not meet the one

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year, supervised post-doctoral clinical experience requirement and shall be allowed to sit for the examination.

SECTION 20. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 21. This Act shall take effect upon its approval.

(Approved May 28, 1985.)

Note

1. All of following material of this section should be underscored.