

ACT 290

S.B. NO. 1435

A Bill for an Act Relating to Psychology.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

“§346- Psychological services. When the health care or rehabilitative services authorized under this chapter are services which a psychologist is licensed to render under chapter 465, the department shall not require referral, direction, or prescription of services by another health care practitioner.”

SECTION 2. Section 346-59, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Rates of payment to providers of medical care who are individual practitioners, including doctors of medicine, [dentistry, podiatry, osteopathy, optometry,] dentists, podiatrists, psychologists, osteopaths, optometrists, and other individuals providing services, shall be based upon the profile, or adjusted profile, of usual and customary fees selected by the legislature as the basis of the appropriation for such care for any fiscal year. The amounts paid shall not exceed the maximum permitted to be paid individual practitioners or other individuals under federal law and regulation and shall not exceed the reasonable charge under the medicare program, based on the same profile base year selected by the legislature for the medicaid profiles, the state limits as provided in the appropriation act, and the provider’s billed amount.

The appropriation act shall indicate the profile used as the basis for the appropriation of each fiscal year. If that profile has been adjusted by the legislature, the legislature shall specify the extent of the adjustment in the appropriation act.”

SECTION 3. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A disabled person between eighteen and sixty-five years of age shall be eligible for general assistance, if the person:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules and regulations of the department;
- (2) Is unable to meet the requirements established by the Federal Supplemental Security Income Program or its successor agency; and
- (3) (A) Is unable to engage in any substantial gainful employment because of a determined and certified physical or mental impairment [determined and certified by a licensed physician]. A determination and certification of physical impairment shall only be made by a licensed physician. A determination and certification of mental impairment [may only] shall be made by a licensed physician whose specialty is in psychiatry[,] or by a licensed psychologist. The department may require that such determination and certification be by a [licensed physician] psychiatrist or a psychologist designated and paid by the department. The department shall accept applications from psychiatrists and psychologists to conduct the examination for mental impairment. Psychiatrists and psychologists shall be assigned cases on a rotating basis.
- (B) When a determination of mental impairment is made, the person shall enter into out-patient treatment with the psychiatrist, psychologist, or mental health clinic of the person’s choice; provided that the professional who made the determination of mental impairment shall be ineligible to provide the treatment or care. The out-patient treatment shall include a medical evaluation to eliminate the possibility that the mental impairment is due to a physical illness.
- (C) Any person, to continue to be certified as mentally impaired, shall be reevaluated annually as provided by this section and more frequently as required by the department.

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“Substantial” as the term is used herein means at least thirty hours of work per week. “Disabled” as the term is used herein means disability which extends for a period of over thirty days.

Any person determined to be eligible under this subsection may be referred to any appropriate state agency for vocational rehabilitation services and shall be required to accept the services as a further condition of eligibility for the receipt of general assistance under this section. An assistance unit shall be determined ineligible for general assistance if any adult member of the assistance unit fails to cooperate with any appropriate state agency for vocational rehabilitation services after being referred for services. Any person found eligible under this subsection may also be required to seek employment, and participate in public work projects as described in section 346-31, and in public employment projects as described in section 346-102.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 25, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.