

ACT 72

S.B. NO. 451

A Bill for an Act Relating to Licensing of Psychologists.

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

SECTION 1. Section 465-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is created a board of 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 licensure under this chapter], each of whom shall be licensed to practice psychology under this chapter and have a minimum of five years of post-doctoral professional experience, and two lay members from the community at large. A lay member shall not be a psychologist, an applicant, or former applicant for licensure as a psychologist. The board shall elect one of its members to serve as chairman.”

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SECTION 2. Section 465-6, Hawaii Revised Statutes, is amended to read as follows:

**"§465-6 Powers and duties.** The board shall:

- (1) Examine the qualifications of applicants for licensing under this chapter to determine their eligibility for licensing as psychologists and forward to the director the names of applicants who are eligible for 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 licensing; the names of all persons licensed; petitions for temporary permits; actions involving suspension, revocation, or denial of licenses; [and recommendations for reciprocity] decisions on waiver of examination in whole or in part and receipt and disbursal of any moneys; and
- (4) Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter."

SECTION 3. Section 465-10, Hawaii Revised Statutes, is amended to read as follows:

**"§465-10 [Reciprocity.] Examination waiver.** (a) The board 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.] 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.

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

SECTION 4. Section 465-11, Hawaii Revised Statutes, is amended to read as follows:

**"§465-11 Renewals.** (a) Every license issued under this chapter shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a license shall suspend the license; provided that a psychologist whose license has been suspended for failure to renew may reinstate the license by payment of the renewal fee for the biennium in which the failure occurred, and provided that the period of suspension is not greater than one year. If licensing has lapsed for more than one year, the person may reapply

for a license in the manner prescribed in the previous sections of this chapter.

(b) A psychologist in good standing who will not be practicing in the State for at least one year may petition the board to have the psychologist's license placed on inactive status without penalty. When the psychologist wishes to return to practice, an application shall be made to the board for reinstatement upon payment of the license fee for the biennial period and subject to the board's review of the application as provided in its rules."

SECTION 5. 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. (a)** The board 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, or incompetency 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)] (2) 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)] (3) Any unethical practice of psychology as defined by the board in accordance with its own rules[.];
- [(4)] Fraud or deception in applying for or procuring a license to practice psychology as defined in section 465-1;
- [(5)] Conviction of a crime substantially related to the qualifications, functions, or duties of psychologists;
- [(6)] Wilful unauthorized communication of information received in professional confidence;
- [(7)] The suspension, revocation, or imposition of probationary conditions by another state of a license or certificate to practice psychology issued by that state if the act for which the disciplinary action was taken constitutes a violation of this chapter;
- [(8)] The commission of any dishonest, corrupt, or fraudulent act or any act of sexual abuse, or sexual relations with a client, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a psychologist;
- [(9)] Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
- [(10)] Exercising undue influence in the manner as to exploit the client or patient for financial or other personal advantage to the practitioner or a third party;
- [(11)] Conviction of fraud in filing medicaid claims or conviction of fraud in filing claims to any third party payor, for which a copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;
- [(12)] Aiding or abetting any unlicensed person to engage in the practice of psychology;
- [(13)] Repeated acts of excessive treatment or use of diagnostic procedures as determined by the standard of the local community of licensees; or

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- (14) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, or excessive use of any substance, or as a result of any mental or physical condition.

(b) The board at its discretion may order any licensee who is placed on probation or whose license is suspended to obtain additional training and to take an examination as prescribed by the board."

SECTION 6. Section 465-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any person who violates this chapter shall be fined not more than [\$500] \$1000 for each violation of this chapter or imprisoned not more than one year, or both."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 29, 1987.)