

ACT 197

H.B. NO. 3286

A Bill for an Act Relating to Licensing of Psychologists.

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

SECTION 1. Section 465-1, Hawaii Revised Statutes, is amended by amending the definition of "psychologist" to read:

"Psychologist" means a person who [engages in the practice of psychology.] offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology. A person represents to be a psychologist if that person uses any title or description of services incorporating the words "psychology," "psychological," or "psychologist".

SECTION 2. Section 465-3, Hawaii Revised Statutes, is amended to read as follows:

"§465-3 [Exceptions.] Exemptions. (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 defined as the practice of psychology in section 465-1 under the direction of a [person who is qualified under this chapter;] licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but 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] in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government 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 "psychology trainee" [or], "psychology student", "psychology intern," or "psychology resident", which indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology.

(b) Nothing in this chapter shall in any way restrict any person from carrying on any of the psychological activities 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 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
- (3) Provides psychological service or consultation to organizations which does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals, without regard to the source or extent of payment for services rendered.

(d) Nothing in this chapter shall prevent the provision of expert testimony by a psychologist who is otherwise exempted by this chapter.

[(d)] (e) Nothing in this chapter shall be construed as permitting the administration or prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of the State."

SECTION 3. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§465- Licensure of state employed clinical psychologists. (a) A psychologist providing diagnostic or treatment services in a clinical psychologist civil service position shall be licensed under this chapter; provided that a psychologist employed in a clinical psychologist position with a government agency in this State prior to January 1, 1988 shall be eligible for licensure subject to:

- (1) Meeting the requirements of section 465-7(1) and (4); provided that the examination requirement shall be limited to the state jurisprudence examination;
- (2) Holding or having held the non-emergency hire position for two years; and
- (3) Obtaining licensure before June 30, 1990.

(b) A psychologist employed in a civil service clinical psychologist position in this State after January 1, 1988 shall be licensed subject to:

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

(c) After the time period of subsections (a)(3) or (b)(2) has expired, a psychologist, employed in a civil service clinical psychologist position rendering diagnostic or treatment services, who has not obtained a license, shall immediately cease and desist the practice of psychology until a license is obtained pursuant to this chapter."

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 7, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.