

ACT 183

H.B. NO. 178

A Bill for an Act Relating to Continuing Education.

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

SECTION 1. The legislature finds that the profession of social workers has been regulated in the State since 1994. Unlike other licensed professions, continuing education credit hours are not currently required for social workers to renew their licenses.

The legislature further finds that social workers provide critically needed services in prevention, intervention, and treatment to a broad spectrum of clients. It is therefore essential that social workers maintain their professional competency and keep abreast of the latest developments in their profession. Requiring continuing education courses for social workers who are renewing their licenses will give assurance to Hawaii's consumers that social workers are current with the latest developments in their field.

The purpose of this Act is to require licensed social workers in Hawaii to:

- (1) Complete a minimum of fifteen credit hours of continuing education courses for the licensing renewal period beginning July 1, 2013, through June 30, 2016; and
- (2) Complete a minimum of forty-five credit hours of continuing education courses during each licensing renewal period beginning July 1, 2016, and thereafter.

SECTION 2. Section 467E-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows: ““Continuing education courses” means courses approved by the National Association of Social Workers, the National Association of Social Workers Chapters, or the Association of Social Work Boards.

“Credit hour” means, except as otherwise provided, the value assigned to fifty minutes of instruction.

“Ethic courses” include ethic theory, ethical reasoning, ethical principles, ethical dilemmas, and professional ethics.”

SECTION 3. Section 467E-11, Hawaii Revised Statutes, is amended to read as follows:

“[§467E-11] Renewals. (a) Every license issued under this chapter shall be renewed triennially on or before June 30, with the first renewal deadline occurring on June 30, 1998. Failure to renew a license shall result in a forfeiture of the license. Licenses which have been so forfeited may be restored within one year of the expiration date upon payment of renewal and penalty fees[-], and in the case of audited licensees, documentary proof of compliance of continuing education. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license and relicensure may be subject to the person applying as a new applicant and satisfying again all licensing requirements.

(b) Beginning with the renewal for the licensing triennium commencing on July 1, 2013, through June 30, 2016, each licensee shall:

- (1) Pay all required fees; and
- (2) Complete a minimum of fifteen credit hours of continuing education courses within the renewal period; provided that a minimum of three credit hours shall be in ethic courses.

(c) Beginning with the renewal for the licensing triennium commencing on July 1, 2016, through June 30, 2019, and prior to every triennial renewal thereafter, each licensee shall:

- (1) Pay all required fees; and
- (2) Complete a minimum of forty-five credit hours of continuing education courses within the three-year period preceding the renewal date; provided that a minimum of three credit hours shall be in ethic courses.

(d) A first time licensee shall not be subject to the continuing education requirement for the first license renewal.

(e) Each licensee shall maintain the licensee’s continuing education records. At the time of renewal, each licensee shall certify under oath that the licensee has complied with the continuing education requirement of this section. The director may require a licensee to submit evidence satisfactory to the director that demonstrates compliance with the continuing education requirement of this section.

(f) The director may conduct random audits of licensees to determine compliance with the continuing education requirement. The director shall pro-

vide written notice of an audit to a licensee randomly selected for audit. Within sixty days of notification, the licensee shall provide the director with documentation verifying compliance with the continuing education requirement established by this section.”

SECTION 4. Section 467E-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to any other acts or conditions provided by law, the director may refuse to renew, reinstate, or restore, or may deny, revoke, suspend, or condition in any manner any license, or fine any exempt government employee for any one or more of the following acts or conditions on the part of the applicant, licensee, or exempt person:

- (1) Failing to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (2) Being addicted to, dependent on, or being a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;
- (3) Engaging in the practice of social work while impaired by alcohol, drugs, or mental instability;
- (4) Procuring a social work license through fraud, misrepresentation, or deceit;
- (5) Aiding and abetting an unlicensed person to directly or indirectly use the title “social worker” or engage in practice as a “licensed bachelor social worker”, “licensed social worker”, or “licensed clinical social worker”;
- (6) Engaging in professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of social work;
- (7) Engaging in conduct or practice contrary to recognized standards of ethics for the social work profession;
- (8) Failing to comply, observe, or adhere to any law in a manner such that the director deems the applicant or holder to be an unfit or improper person to hold a social work license;
- (9) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by this section;
- (10) Having a criminal conviction, whether by nolo contendere or otherwise, of a crime directly related to the qualifications, functions, or duties of the social work profession;
- (11) Failing to report in writing to the director any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days of the disciplinary decision;
- (12) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under this chapter who purports to be or engages in practice as a social worker, licensed bachelor social worker, licensed social worker, or licensed clinical social worker;
- (13) Engaging in the practice of social work beyond the scope of the person’s license; [e]
- (14) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement; or
- [(14)] (15) Violating this chapter or any rules adopted pursuant thereto.”

SECTION 5. The director of commerce and consumer affairs shall provide written notice of the contents of this Act to all persons licensed under chap-

ter 467E, Hawaii Revised Statutes, within ninety days of the effective date of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 25, 2013.)