

ACT 28

S.B. NO. 2466

A Bill for an Act Relating to Continuing Education for Marriage and Family Therapists.

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

SECTION 1. The legislature finds that the profession of marriage and family therapy has been regulated in the State since 1998. Unlike other licensed

professions, continuing education credit hours are not currently required for marriage and family therapists to renew their licenses.

The legislature further finds that marriage and family therapists provide critically needed services in prevention, intervention, and treatment to a broad spectrum of clients. It is therefore essential that marriage and family therapists maintain their professional competency and keep abreast of the latest developments in their profession.

The purpose of this Act is to require licensed marriage and family therapists in Hawaii to complete a minimum of forty-five credit hours of continuing education courses during each licensing renewal triennium, beginning January 1, 2017.

SECTION 2. Section 451J-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 American Association for Marriage and Family Therapy, American Association for Marriage and Family Therapy: Hawaii Division, American Psychological Association, Hawaii Psychological Association, National Association of Social Workers, or National Board for Certified Counselors and Affiliates, Inc.

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

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

SECTION 3. Section 451J-10, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§451J-10~~ **Renewal of license.** (a) Licenses shall be renewed triennially on or before December 31, with the first renewal deadline occurring on December 31, 2001. Failure to renew a license shall result in a forfeiture of the license. Licenses ~~[which]~~ that have been forfeited may be restored within one year of the expiration date upon payment of renewal and restoration fees[-], and in the case of marriage and family therapists audited pursuant to subsection (f), documentation of continuing education compliance. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license. Persons with terminated licenses shall be required to reapply for licensure as a new applicant.

(b) Beginning with the renewal for the licensing triennium commencing on January 1, 2017, through December 31, 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 six credit hours shall be in ethics courses.

(c) A first-time licensee shall not be subject to the continuing education requirement established under subsection (b)(2) for the first license renewal.

(d) 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.

(e) A licensee seeking renewal of a license without full compliance with the continuing education requirement shall submit the renewal application, required fee, a notarized affidavit setting forth the facts explaining the reasons for noncompliance, and a request for an extension on the basis of the facts; provided that the licensee shall complete at least ninety hours of continuing education, including at least twelve hours in ethics courses, prior to the next licensing triennium. The director shall consider each case on an individual basis and may grant an extension of the continuing education requirement based upon:

- (1) Practice in an isolated geographical area with an absence of opportunities for continuing education by taped programs or otherwise;
or
- (2) Inability to devote sufficient hours to continuing education because of incapacity, undue hardship, or any other serious extenuating circumstances.

(f) The director may conduct random audits of licensees to determine compliance with the continuing education requirement. The director shall provide 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 451J-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall deny, revoke, condition, or suspend a license granted pursuant to this chapter on the following grounds:

- (1) Conviction by a court of competent jurisdiction of a crime which the department has determined, by rules adopted pursuant to chapter 91, to be of a nature that renders the person convicted unfit to practice marriage and family therapy;
- (2) Failing to report in writing to the director any disciplinary decision related to the provision of mental health services issued against the licensee or the applicant in any jurisdiction within thirty days of the disciplinary decision, or within thirty days of licensure;
- (3) Violation of recognized ethical standards for marriage and family therapists as set by the association;
- (4) Fraud or misrepresentation in obtaining or renewing a license[;], including making a false certification of compliance with the continuing education requirement set forth in section 451J-10;
- (5) Revocation, suspension, or other disciplinary action by any state or federal agency against a licensee or applicant for any reason provided under this section; or
- (6) Other just and sufficient cause ~~[which]~~ that renders a person unfit to practice marriage and family therapy.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2014.

(Approved April 23, 2014.)