



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **531**

April 24, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on April 24, 2006, the following bill was signed into law:

SB2297 SD1

A BILL FOR AN ACT RELATING TO
MENTAL HEALTH COUNSELORS.
(ACT 14)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH COUNSELORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 453D-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "practice of mental health
3 counseling" to read as follows:
4 "Practice of mental health counseling" means the rendering
5 of professional counseling services based on specialized
6 education, training, and experience to individuals, families, or
7 groups for compensation, monetary or otherwise. These
8 professional counseling services include applying the respective
9 principles, methods, and theories of counseling, human
10 development, learning theory, group and family dynamics,
11 rehabilitation, and the etiology of mental illness and
12 dysfunctional behavior [~~to define~~], and defining goals and
13 [~~develop~~] developing a treatment plan of action aimed toward the
14 prevention, treatment, and resolution of mental and emotional
15 dysfunction and intra or interpersonal disorders to all persons
16 irrespective of diagnosis. "Practice of mental health
17 counseling" includes but is not limited to:



- 1 (1) The assessment, diagnosis, and treatment of, and
- 2 counseling for, mental and emotional disorders;
- 3 (2) The assessment, diagnosis, and treatment of, and
- 4 counseling for, substance abuse and conduct disorders
- 5 defined in the approved diagnostic and statistical
- 6 manual for mental disorders;
- 7 (3) The application of educational techniques aimed at the
- 8 prevention of these disorders; and
- 9 (4) The provision of consultative services to individuals,
- 10 couples, families, groups, organizations, and
- 11 communities."

12 SECTION 2. Section 453D-6, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "[+] §453D-6 [+] Exemptions. (a) This chapter shall not
 15 apply to:

- 16 (1) A person doing work within the duties of the person's
- 17 profession that overlaps with the practice of mental
- 18 health counseling; provided that no such person shall
- 19 use a title stating or implying that the person is a
- 20 "licensed mental health counselor" or "mental health
- 21 [~~counselor~~,"] counselor," or describe or refer to the
- 22 person's services as mental health counseling;



- 1 (2) Any person who is a duly recognized member of the
2 clergy; provided that the person functions only within
3 the person's capacity as a member of the clergy; and
4 provided further that the person does not represent
5 the person to be a "licensed mental health counselor"
6 or "mental health [~~counselor~~], counselor," or
7 describe or refer to the person's services as mental
8 health counseling;
- 9 (3) Any student enrolled in an accredited educational
10 institution in a recognized program of study leading
11 [~~toward~~] towards attainment of a graduate degree in
12 mental health counseling or other professional field;
13 provided that the student's activities and services
14 are part of a prescribed course of study supervised by
15 the accredited educational institution and the student
16 is identified by an appropriate title, including but
17 not limited to "mental health counseling student" or
18 "trainee", "clinical psychology student" or
19 [~~"trainee"~~] "trainee," "social work student" or
20 [~~"trainee"~~] "trainee," "marriage and family
21 counseling student" or [~~"trainee"~~] "trainee," or any
22 title that clearly indicates training status;



- 1 (4) Any individual who uses the title of "mental health
2 counselor intern" for the purpose of obtaining
3 clinical experience in accordance with section
4 453D-7(a)(3);
- 5 (5) Any person employed by a federal, state, or county
6 government agency in a counseling position, but only
7 at those times when the employee is carrying out the
8 duties and responsibilities as a counselor in
9 governmental employment; or
- 10 (6) Any person who is obtaining supervised clinical
11 experience for licensure as a psychologist, social
12 worker, marriage and family therapist, or as another
13 licensed professional; provided that the person's
14 title indicates a trainee or intern status; and
15 provided further that the person does not purport to
16 be a "licensed mental health counselor" or "mental
17 health counselor".
- 18 (b) Nothing in this chapter shall be construed to prevent
19 qualified members of other licensed professions as defined by
20 any law or rule of the department, including but not limited to
21 social workers, registered nurses, psychologists, marriage and
22 family therapists, or physicians, from providing mental health



1 counseling or advertising that they provide mental health
2 counseling to individuals, couples, or families consistent with
3 the accepted standards of their respective licensed professions;
4 provided that no such persons shall use a title stating or
5 implying that they are licensed mental health counselors unless
6 the persons are licensed pursuant to this chapter.

7 (c) Nothing in this chapter shall be construed to
8 supersede the regulation of registered rehabilitation
9 specialists from the department of labor and industrial
10 relations. Further, no registered rehabilitation specialist
11 shall use a title stating or implying that the registered
12 rehabilitation specialist is a licensed mental health counselor
13 unless the person is licensed pursuant to this chapter."

14 SECTION 3. Section 453D-7, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Any person who applies to the department after
17 July 1, 2005, shall be issued a license by the department if the
18 applicant provides satisfactory evidence to the department that
19 the applicant is qualified for licensure pursuant to the
20 requirements of this chapter and meets the following
21 qualifications:



1 (1) A master's degree or doctoral degree from an
2 accredited educational institution in counseling or in
3 an allied field related to the practice of mental
4 health counseling that includes or is supplemented by
5 graduate level course work in counseling comprising a
6 minimum of forty-eight semester hours or seventy-two
7 quarter hours in the following course areas, with a
8 minimum of three semester hours in each course area as
9 indicated below:

10 (A) Human growth and development, including but not
11 limited to the study of life span development,
12 strategies to facilitate that development and
13 transitions, theories of learning and personality
14 development, and human behavior to include
15 crisis, disabilities, addictive behavior, and
16 environmental factors;

17 (B) Social and cultural foundations, including but
18 not limited to the study of issues and trends in
19 a multicultural and diverse society, including
20 characteristics of diverse groups that may
21 include but are not limited to age, race,
22 religious or sexual preference, physical



- 1 disability, ethnicity and culture, gender,
2 socioeconomics, intellectual ability, and
3 individual, family, and group strategies with
4 diverse populations;
- 5 (C) Counseling theories and applications, including
6 but not limited to counseling and consultation,
7 including both individual and systems
8 perspectives, interviewing, assessment, and
9 counseling skills, as well as applying
10 principles, methods, and theories of counseling,
11 treatment and counseling of mental and emotional
12 disorders, and educational techniques aimed at
13 preventing such disorders with individuals and
14 families;
- 15 (D) Group theory and practice, including but not
16 limited to principles of group dynamics, group
17 process, group leadership styles, theories and
18 methods of group counseling, and the application
19 of theory to the group processes;
- 20 (E) Career and lifestyle development, including but
21 not limited to the study of vocational
22 development theories and decisionmaking models,



- 1 assessment instruments, and techniques, types,
2 sources, and uses of occupational and educational
3 information systems, career development
4 applications, and career counseling processes,
5 techniques, and resources;
- 6 (F) Appraisal of human behavior, including but not
7 limited to assessment and diagnosis ~~of~~ of
8 disorders with an emphasis on DSM-IV categories,
9 and an understanding of these disorders relative
10 to the counseling context;
- 11 (G) Tests and measurements, including but not limited
12 to theoretical and historical bases for
13 assessment techniques, assessment methods,
14 including analysis of various types of tests in
15 order to select, administer, interpret, and use
16 assessment and evaluation instruments and
17 techniques in counseling;
- 18 (H) Research and program evaluation, including but
19 not limited to research design and methods,
20 statistical analysis, principles, practices, and
21 application of needs assessment, and program
22 evaluation; and



- 1 (I) Professional orientation and ethics, including
2 but not limited to the history of the helping
3 profession, professional roles and functions,
4 ethical standards, confidentiality, professional
5 organizations, and the public policy process,
6 including advocacy on behalf of the profession
7 and its clientele;
- 8 (2) At least two academic terms of supervised mental
9 health practicum intern experience for graduate credit
10 of at least three semester hours or five quarter hours
11 per academic term in a mental health counseling
12 setting with three hundred hours of supervised client
13 contact; the practicum experience shall be completed
14 under the clinical supervision of a person who is
15 licensed as a mental health counselor, psychologist,
16 clinical social worker, advanced practice registered
17 nurse with a specialty in mental health, marriage and
18 family therapist, or physician with a specialty in
19 psychiatry;
- 20 (3) Completion [+]of [+] three thousand hours of post-
21 graduate [~~direct counseling work~~] experience in the
22 practice of mental health counseling with one hundred




1 hours of face-to-face clinical supervision [~~within a~~
 2 ~~two-year period; and~~] which shall be completed in no
 3 less than two years and in no more than four years,
 4 under the clinical supervision of a person who is a
 5 licensed mental health counselor, psychologist,
 6 clinical social worker, advanced practice registered
 7 nurse with a specialty in mental health, marriage and
 8 family therapist, or physician with a specialty in
 9 psychiatry; and

10 (4) Passed the National Counselor Examination for
 11 Licensure and Certification."

12 SECTION 4. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

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



GOVERNOR OF THE STATE OF HAWAII

Approved this day: APR 24 2006

S.B. No. 2297, S.D. 1

THE SENATE OF THE STATE OF HAWAII

Date: March 7, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate



Clerk of the Senate

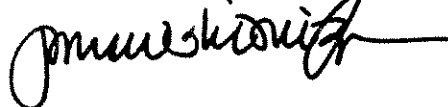
**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: April 4, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives