

STAND. COM. REP. NO. 1817

Honolulu, Hawaii

Ajls, 2007

RE: S.B. No. 667  
S.D. 3  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 667, S.D. 3, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS,"

begs leave to report as follows:

The purpose of this bill is to provide for the licensing of qualified mental health services providers by:

- (1) Allowing substitute experience for the practicum intern and post-graduate experience required for mental health counselor licensure, for applicants who graduated from an accredited educational institution before July 1, 2007; and
- (2) Making the mental health counselor licensing program immediately permanent by repealing its sunset date of December 31, 2008.

Kaiser Permanente, Hawaii Rehabilitation Counseling Association, Rehabilitation Association of Hawaii, Case Management Works, Inc., Lokahi Treatment Centers, Sestak Rehabilitation Services, and numerous concerned individuals testified in support of this bill. The Alliance for Professional Counselor Licensure and numerous concerned individuals supported this measure with amendments. The Department of Commerce and Consumer Affairs opposed this bill.

SB667 HD2 HSCR CPC HMS 2007-3500



Concerns were raised regarding the repeal of the sunset date for the mental health counselors licensing program, which would remove the program from the Auditor's sunset review process under Chapter 26H, Hawaii Revised Statutes, and immediately make the program permanent only about a year after this program was fully enacted with subsequent amendments. Your Committee received testimony noting that this provision contravenes the usual process of having new regulatory programs undergo the sunset review process three years after enactment to determine whether the program should be continued, modified, or allowed to expire.

Additionally, your Committee notes the concerns regarding the allowance of substitute experience for mental health counselor licensure. This provision is intended to provide for the licensure of applicants who were already in the process of fulfilling the licensure requirements when Act 14, Session Laws of Hawaii 2006, changed the requirements to mandate that practicum intern and post-graduate experience be supervised by certain licensed professionals.


Accordingly, your Committee has amended this measure by:

- (1) Restoring the sunset date of December 31, 2008, for the mental health counselor licensing program, to allow the program to undergo the sunset review process;
- (2) Clarifying that the requirement that clinical supervisors hold certain licenses does not apply to the practicum intern and post-graduate experience supervision requirements for applicants graduating from an accredited educational institution prior to July 1, 2007; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 667, S.D. 3, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 667, S.D. 3, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ROBERT N. HERKES, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 1817

**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> SB 667 SD3, HD1		<b>Date:</b> March 28, 2007		
<b>Committee Referral:</b> HLT, CPC		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	X			
2. McKELVEY, Angus L.K. (VC)	X			
3. CALDWELL, Kirk	X			
4. EVANS, Cindy	X			
5. GREEN, Josh, M.D.	X			
6. ITO, Ken				X
7. LUKE, Sylvia	0			
8. MORITA, Hermina M.				X
9. SONSON, Alex M.	X			
10. SOUKI, Joseph M.	X			
11. TSUJI, Clift	X			
12. YAMANE, Ryan I.				X
13. YAMASHITA, Kyle T.				X
14. MARUMOTO, Barbara C.	X			
15. THIELEN, Cynthia	X			
<b>TOTAL</b>	<b>11</b>			<b>4</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
<b>Vice Chair's or designee's signature:</b>				
_____				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – HMSO      Duplicate (Pink) – Clerk's Office				