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# A BILL FOR AN ACT

RELATING TO PROFESSIONS.

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

1           SECTION 1. Section 26H-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§26H-4 Repeal dates for newly enacted professional and**  
4 **vocational regulatory programs.** [~~(a)~~] Any professional or  
5 vocational regulatory program enacted after January 1, 1994, and  
6 listed in this section shall be repealed on December 31, 2008.  
7 The auditor shall perform an evaluation of the program, pursuant  
8 to section 26H-5, prior to its repeal date.

9           ~~[(b) Chapter 453D (licensed mental health counselors)~~  
10 ~~shall be repealed on December 31, 2008."]~~

11           SECTION 2. Section 431M-1, Hawaii Revised Statutes, is  
12 amended as follows:

13           1. By adding a new definition to be appropriately inserted  
14 and to read as follows:

15           "Licensed mental health counselor" means a person:



- 1       (1) Who engages in the practice of mental health counseling  
2           and uses the title of licensed mental health  
3           counselor;
- 4       (2) Who is licensed in mental health counseling practice  
5           pursuant to chapter 453D; and
- 6       (3) Whose license is in effect and not revoked or  
7           suspended."

8           2. By amending the definition of "alcohol or drug  
9 dependence outpatient services" to read:

10            "Alcohol or drug dependence outpatient services" means  
11 alcohol or drug dependence nonresidential treatment provided on  
12 an ambulatory basis to patients with alcohol or drug dependence  
13 problems that includes interventions prescribed and performed by  
14 qualified physicians, psychologists, licensed clinical social  
15 workers, marriage and family therapists, licensed mental health  
16 counselor, or advanced practice registered nurses. This  
17 definition shall not imply a broadening of the scope of or  
18 granting of prescriptive authority privileges, except as  
19 otherwise allowed pursuant to chapter 457."

20           3. By amending the definition of "day treatment services"  
21 to read:



1           ""Day treatment services" means treatment services provided  
2 by a hospital, mental health outpatient facility, or nonhospital  
3 facility to patients who, because of their conditions, require  
4 more than periodic hourly service. Day treatment services shall  
5 be prescribed by a physician, psychologist, licensed clinical  
6 social worker, marriage and family therapist, licensed mental  
7 health counselor, or advanced practice registered nurse, and  
8 carried out under the supervision of a physician, psychologist,  
9 licensed clinical social worker, marriage and family therapist,  
10 licensed mental health counselor, or advanced practice  
11 registered nurse. Day treatment services require less than  
12 twenty-four hours of care and a minimum of three hours in any  
13 one day."

14           4. By amending the definition of "mental health outpatient  
15 services" to read:

16           ""Mental health outpatient services" means mental health  
17 nonresidential treatment provided on an ambulatory basis to  
18 patients with mental illness that includes interventions  
19 prescribed and performed by a physician, psychologist, licensed  
20 clinical social worker, marriage and family therapist, licensed  
21 mental health counselor, or advanced practice registered nurse."



1           5. By amending the definition of "partial hospitalization  
2 services" to read:

3           ""Partial hospitalization services" means treatment  
4 services, including in-hospital treatment services or benefits,  
5 provided by a hospital or mental health outpatient facility to  
6 patients who, because of their conditions, require more than  
7 periodic hourly service. Partial hospitalization services shall  
8 be prescribed by a physician or psychologist, and may be  
9 prescribed by a licensed clinical social worker, marriage and  
10 family therapist, licensed mental health counselor, or advanced  
11 practice registered nurse in consultation with a physician or  
12 psychologist. Partial hospitalization services require less  
13 than twenty-four hours of care and a minimum of three hours in  
14 any one day."

15           6. By amending the definition of "qualified" to read:

16           ""Qualified" means:

17           (1) Having skill in the diagnosis or treatment of  
18                substance use disorders, based on a practitioner's  
19                credentials, including but not limited to professional  
20                education, clinical training, licensure, board or  
21                other certification, clinical experience, letters of



1 reference, other professional qualifications, and  
2 disciplinary action; or

3 (2) Being a licensed physician, psychologist, licensed  
4 clinical social worker, marriage and family therapist,  
5 licensed mental health counselor, or advanced practice  
6 registered nurse, and certified pursuant to chapter  
7 321."

8 7. By amending the definition of "treatment episode" to  
9 read:

10 ""Treatment episode" means one admission to an accredited  
11 hospital or nonhospital facility, or office of a qualified  
12 physician, psychologist, licensed clinical social worker,  
13 marriage and family therapist, licensed mental health counselor,  
14 or advanced practice registered nurse for treatment of alcohol  
15 or drug dependence, or both, as stipulated in a prescribed  
16 treatment plan and that would generally produce remission in  
17 those who complete the treatment. The prescribed treatment plan  
18 may include the provision of substance abuse services in more  
19 than one location and may include in-hospital, nonhospital  
20 residential, day treatment, or alcohol or drug dependence  
21 outpatient services, or any combination thereof. An admission



1 for only detoxification services shall not constitute a  
2 treatment episode."

3 SECTION 3. Section 431M-3, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Covered benefits for alcohol dependence, drug  
6 dependence, or mental illness insurance policies, hospital or  
7 medical service plan contracts, and health maintenance  
8 organization health plan contracts shall be limited to those  
9 services certified by the insurance or health care plan  
10 carrier's physician, psychologist, licensed clinical social  
11 worker, marriage and family therapist, licensed mental health  
12 counselor, or advanced practice registered nurse as medically or  
13 psychologically necessary at the least restrictive appropriate  
14 level of care."

15 SECTION 4. Section 431M-4, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§431M-4 Mental illness, alcohol and drug dependence**  
18 **benefits.** (a) The covered benefit under this chapter shall not  
19 be less than thirty days of in-hospital services per year. Each  
20 day of in-hospital services may be exchanged for two days of  
21 nonhospital residential services, two days of partial  
22 hospitalization services, or two days of day treatment services.



1 Visits to a physician, psychologist, licensed clinical social  
2 worker, marriage and family therapist, licensed mental health  
3 counselor, or advanced practice registered nurse shall not be  
4 less than thirty visits per year to hospital or nonhospital  
5 facilities or to mental health outpatient facilities for day  
6 treatment or partial hospitalization services. Each day of in-  
7 hospital services may also be exchanged for two outpatient  
8 visits under this chapter; provided that the patient's condition  
9 is such that the outpatient services would reasonably preclude  
10 hospitalization. The total covered benefit for outpatient  
11 services in subsections (b) and (c) shall not be less than  
12 twenty-four visits per year; provided that coverage of twelve of  
13 the twenty-four outpatient visits shall apply only to the  
14 services under subsection (c). The other covered benefits under  
15 this chapter shall apply to any of the services in subsection  
16 (b) or (c). In the case of alcohol and drug dependence  
17 benefits, the insurance policy may limit the number of treatment  
18 episodes but may not limit the number to less than two treatment  
19 episodes per lifetime. Nothing in this section shall be  
20 construed to limit serious mental illness benefits.

21 (b) Alcohol and drug dependence benefits shall be as  
22 follows:



1           (1) Detoxification services as a covered benefit under  
2           this chapter shall be provided either in a hospital or  
3           in a nonhospital facility that has a written  
4           affiliation agreement with a hospital for emergency,  
5           medical, and mental health support services. The  
6           following services shall be covered under  
7           detoxification services:

- 8           (A) Room and board;  
9           (B) Diagnostic x-rays;  
10          (C) Laboratory testing; and  
11          (D) Drugs, equipment use, special therapies, and  
12          supplies.

13          Detoxification services shall be included as part of  
14          the covered in-hospital services, but shall not be  
15          included in the treatment episode limitation, as  
16          specified in subsection (a);

17          (2) Alcohol or drug dependence treatment through  
18          in-hospital, nonhospital residential, or day treatment  
19          substance abuse services as a covered benefit under  
20          this chapter shall be provided in a hospital or  
21          nonhospital facility. Before a person qualifies to  
22          receive benefits under this subsection, a qualified





1 physician, psychologist, licensed clinical social  
2 worker, marriage and family therapist, licensed mental  
3 health counselor, or advanced practice registered  
4 nurse shall determine that the person suffers from  
5 alcohol or drug dependence, or both; provided that the  
6 substance abuse services covered under this paragraph  
7 shall include those services that are required for  
8 licensure and accreditation and shall be included as  
9 part of the covered in-hospital services as specified  
10 in subsection (a). Excluded from alcohol or drug  
11 dependence treatment under this subsection are  
12 detoxification services and educational programs to  
13 which drinking or drugged drivers are referred by the  
14 judicial system and services performed by mutual self-  
15 help groups;

- 16 (3) Alcohol or drug dependence outpatient services as a  
17 covered benefit under this chapter shall be provided  
18 under an individualized treatment plan approved by a  
19 qualified physician, psychologist, licensed clinical  
20 social worker, marriage and family therapist, licensed  
21 mental health counselor, or advanced practice  
22 registered nurse and shall be services reasonably



1 expected to produce remission of the patient's  
2 condition. An individualized treatment plan approved  
3 by a marriage and family therapist, licensed mental  
4 health counselor, licensed clinical social worker, or  
5 an advanced practice registered nurse for a patient  
6 already under the care or treatment of a physician or  
7 psychologist shall be done in consultation with the  
8 physician or psychologist. Services covered under  
9 this paragraph shall be included as part of the  
10 covered outpatient services as specified in subsection  
11 (a); and

- 12 (4) Substance abuse assessments for alcohol or drug  
13 dependence as a covered benefit under this section for  
14 a child facing disciplinary action under section  
15 302A-1134.6 shall be provided by a qualified  
16 physician, psychologist, licensed clinical social  
17 worker, advanced practice registered nurse, or  
18 certified substance abuse counselor. The certified  
19 substance abuse counselor shall be employed by a  
20 hospital or nonhospital facility providing substance  
21 abuse services. The substance abuse assessment shall



1 evaluate the suitability for substance abuse treatment  
2 and placement in an appropriate treatment setting.

3 (c) Mental illness benefits.

4 (1) Covered benefits for mental health services set forth  
5 in this subsection shall be limited to coverage for  
6 diagnosis and treatment of mental disorders. All  
7 mental health services shall be provided under an  
8 individualized treatment plan approved by a physician,  
9 psychologist, licensed clinical social worker,  
10 marriage and family therapist, licensed mental health  
11 counselor, or advanced practice registered nurse and  
12 must be reasonably expected to improve the patient's  
13 condition. An individualized treatment plan approved  
14 by a licensed clinical social worker, marriage and  
15 family therapist, licensed mental health counselor, or  
16 an advanced practice registered nurse for a patient  
17 already under the care or treatment of a physician or  
18 psychologist shall be done in consultation with the  
19 physician or psychologist;

20 (2) In-hospital and nonhospital residential mental health  
21 services as a covered benefit under this chapter shall  
22 be provided in a hospital or a nonhospital residential



1 facility. The services to be covered shall include  
2 those services required for licensure and  
3 accreditation, and shall be included as part of the  
4 covered in-hospital services as specified in  
5 subsection (a);

6 (3) Mental health partial hospitalization as a covered  
7 benefit under this chapter shall be provided by a  
8 hospital or a mental health outpatient facility. The  
9 services to be covered under this paragraph shall  
10 include those services required for licensure and  
11 accreditation and shall be included as part of the  
12 covered in-hospital services as specified in  
13 subsection (a); and

14 (4) Mental health outpatient services shall be a covered  
15 benefit under this chapter and shall be included as  
16 part of the covered outpatient services as specified  
17 in subsection (a)."

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

20 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Regulation of Licensed mental health counselors; Sunset;  
Repealed; Reimbursable Practitioners

**Description:**

Repeals sunset provisions for chapter 453D, Hawaii Revised Statutes, relating to licensed mental health counselors. Adds licensed mental health counselors to the list of mental health practitioners receiving covered benefits. (SB2159 HD1)

