



GOV. MSG. NO. 1128

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2466 SD1 HD1

RELATING TO CONTINUING EDUCATION FOR
MARRIAGE AND FAMILY THERAPISTS
ACT 028 (14)

Alaha
Signed
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

APR 23 2014

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'14 APR 24 P5:36

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'14 APR 24 P5:07

Approved by the Governor

on APR 23 2014

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 028

S.B. NO.

2466
S.D. 1
H.D. 1

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:

1 SECTION 1. The legislature finds that the profession of
2 marriage and family therapy has been regulated in the State
3 since 1998. Unlike other licensed professions, continuing
4 education credit hours are not currently required for marriage
5 and family therapists to renew their licenses.

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

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



1 SECTION 2. Section 451J-1, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Continuing education courses" means courses approved by
5 the American Association for Marriage and Family Therapy,
6 American Association for Marriage and Family Therapy: Hawaii
7 Division, American Psychological Association, Hawaii
8 Psychological Association, National Association of Social
9 Workers, or National Board for Certified Counselors and
10 Affiliates, Inc.

11 "Credit hour" means, except as otherwise provided, the
12 value assigned to fifty minutes of instruction.

13 "Ethics courses" include ethics theory, ethical reasoning,
14 ethical principles, ethical dilemmas, and professional ethics."

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

17 **[+]§451J-10[+] Renewal of license. (a)** Licenses shall
18 be renewed triennially on or before December 31, with the first
19 renewal deadline occurring on December 31, 2001. Failure to
20 renew a license shall result in a forfeiture of the license.
21 Licenses ~~[which]~~ that have been forfeited may be restored within
22 one year of the expiration date upon payment of renewal and



1 restoration fees[-], and in the case of marriage and family
2 therapists audited pursuant to subsection (f), documentation of
3 continuing education compliance. Failure to restore a forfeited
4 license within one year of the date of its expiration shall
5 result in the automatic termination of the license. Persons
6 with terminated licenses shall be required to reapply for
7 licensure as a new applicant.

8 (b) Beginning with the renewal for the licensing triennium
9 commencing on January 1, 2017, through December 31, 2019, and
10 prior to every triennial renewal thereafter, each licensee
11 shall:

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

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

21 (d) Each licensee shall maintain the licensee's continuing
22 education records. At the time of renewal, each licensee shall



1 certify under oath that the licensee has complied with the
2 continuing education requirement of this section. The director
3 may require a licensee to submit evidence satisfactory to the
4 director that demonstrates compliance with the continuing
5 education requirement of this section.

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

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



1 (f) The director may conduct random audits of licensees to
2 determine compliance with the continuing education requirement.
3 The director shall provide written notice of an audit to a
4 licensee randomly selected for audit. Within sixty days of
5 notification, the licensee shall provide the director with
6 documentation verifying compliance with the continuing education
7 requirement established by this section."

8 SECTION 4. Section 451J-11, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

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

- 13 (1) Conviction by a court of competent jurisdiction of a
14 crime which the department has determined, by rules
15 adopted pursuant to chapter 91, to be of a nature that
16 renders the person convicted unfit to practice
17 marriage and family therapy;
- 18 (2) Failing to report in writing to the director any
19 disciplinary decision related to the provision of
20 mental health services issued against the licensee or
21 the applicant in any jurisdiction within thirty days

1 of the disciplinary decision, or within thirty days of
2 licensure;

3 (3) Violation of recognized ethical standards for marriage
4 and family therapists as set by the association;

5 (4) Fraud or misrepresentation in obtaining or renewing a
6 license[-], including making a false certification of
7 compliance with the continuing education requirement
8 set forth in section 451J-10;

9 (5) Revocation, suspension, or other disciplinary action
10 by any state or federal agency against a licensee or
11 applicant for any reason provided under this section;
12 or

13 (6) Other just and sufficient cause [~~which~~] that renders a
14 person unfit to practice marriage and family therapy."

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

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

APPROVED this 23 day of APR, 2014.



GOVERNOR OF THE STATE OF HAWAII