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## A BILL FOR AN ACT

RELATING TO CONTINUING EDUCATION.

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

1           SECTION 1. The legislature finds that the profession of  
2 psychologists has been regulated in the State since 1967.  
3 Unlike other licensed professions, continuing education credit  
4 hours are not currently required for psychologists to renew  
5 their licenses.

6           The legislature further finds that psychologists provide  
7 critically needed services in treatment of a broad spectrum of  
8 patients. It is therefore essential that psychologists maintain  
9 their professional competency and keep abreast of the latest  
10 developments in their profession. Requiring continuing  
11 education courses for psychologists who are renewing their  
12 licenses will give assurance to patients that psychologists are  
13 current with the latest developments in their field.

14           The purpose of this Act is to require licensed  
15 psychologists in Hawaii to complete a minimum of eighteen credit  
16 hours of continuing education courses for the licensing renewal  
17 period beginning July 1, 2014, though June 30, 2016, three  
18 credit hours of which shall be in ethics courses.



1 SECTION 2. Section 465-1, 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 offered by a  
5 regionally accredited institution of higher education or an  
6 accredited American Psychological Association sponsor.

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

9 "Ethics courses" include ethic theory, ethical reasoning,  
10 ethical principles, ethical dilemmas, scientific ethics, and  
11 professional ethics."

12 SECTION 3. Section 465-11, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§465-11 Renewals.** (a) Every license issued under this  
15 chapter shall be renewed biennially on or before June 30 of each  
16 even-numbered year. Failure to renew a license shall suspend  
17 the license; provided that a psychologist whose license has been  
18 suspended for failure to renew may reinstate the license by  
19 payment of the renewal fee for the biennium in which the failure  
20 occurred, ~~[and provided that]~~ the period of suspension is not  
21 greater than one year[-], and documentary proof of compliance  
22 with continuing education requirements is provided. If



1 licensing has lapsed for more than one year, the person may  
2 reapply for a license in the manner prescribed in the previous  
3 sections of this chapter.

4 (b) A psychologist in good standing who will not be  
5 practicing in the State for at least one year may petition the  
6 board to have the psychologist's license placed on inactive  
7 status without penalty. When the psychologist wishes to return  
8 to practice, an application shall be made to the board for  
9 reinstatement upon payment of the license fee for the biennial  
10 period [and], documentary proof of compliance with continuing  
11 education requirements, and subject to the board's review of the  
12 application as provided in its rules.

13 (c) Beginning with the renewal for the licensing biennium  
14 commencing on July 1, 2014, through June 30, 2016, each licensee  
15 shall:

- 16 (1) Pay all required fees; and
- 17 (2) Complete a minimum of eighteen credit hours of  
18 continuing education courses within the renewal  
19 period; provided that a minimum of three credit hours  
20 shall be in ethics courses.

21 (d) A first time licensee shall not be subject to the  
22 continuing education requirement for the first license renewal.



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

9       SECTION 4. Section 465-13, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11       "(a) In addition to any other actions authorized by law,  
12 the board shall refuse to grant a license to any applicant and  
13 may revoke or suspend any license, or may place a license, or  
14 may put a license holder on conditional probation, for any cause  
15 authorized by law, including but not limited to the following:

16       (1) Professional misconduct, gross carelessness, manifest  
17       incapacity, or incompetency in the practice of  
18       psychology;

19       (2) Violation of this chapter by the applicant within one  
20       year of the application, or violation of this chapter  
21       by a license holder any time the license is valid;



- 1           (3) Any unethical practice of psychology as defined by the  
2                   board in accordance with its own rules;
- 3           (4) Fraud or deception in applying for or procuring a  
4                   license to practice psychology as defined in section  
5                   465-1;
- 6           (5) Conviction of a crime substantially related to the  
7                   qualifications, functions, or duties of psychologists;
- 8           (6) Wilful unauthorized communication of information  
9                   received in professional confidence;
- 10          (7) The suspension, revocation, or imposition of  
11               probationary conditions by another state of a license  
12               or certificate to practice psychology issued by that  
13               state if the act for which the disciplinary action was  
14               taken constitutes a violation of this chapter;
- 15          (8) The commission of any dishonest, corrupt, or  
16               fraudulent act or any act of sexual abuse, or sexual  
17               relations with a client, or sexual misconduct that is  
18               substantially related to the qualifications,  
19               functions, or duties of a psychologist;
- 20          (9) Harassment, intimidation, or abuse, sexual or  
21               otherwise, of a client or patient;



- 1           (10) Exercising undue influence in the manner as to exploit  
2                    the client, patient, student, or supervisee for  
3                    financial or other personal advantage to the  
4                    practitioner or a third party;
- 5           (11) Conviction of fraud in filing medicaid claims or  
6                    conviction of fraud in filing claims to any third  
7                    party payor, for which a copy of the record of  
8                    conviction, certified by the clerk of the court  
9                    entering the conviction, shall be conclusive evidence;
- 10          (12) Aiding or abetting any unlicensed person, other than  
11                    doctoral trainees working for psychologists, to engage  
12                    in the practice of psychology;
- 13          (13) Repeated acts of excessive treatment or use of  
14                    diagnostic procedures as determined by the standard of  
15                    the local community of licensees;
- 16          (14) Inability to practice psychology with reasonable skill  
17                    and safety to patients or clients by reason of  
18                    illness, inebriation, or excessive use of any  
19                    substance, or as a result of any mental or physical  
20                    condition;
- 21          (15) Conviction of any crime or offense that reflects the  
22                    inability of the practitioner to practice psychology



- 1           with due regard for the health and safety of clients
- 2           or patients;
- 3       (16) Use of untruthful or deceptive or improbable
- 4           statements concerning the licensee's qualifications or
- 5           the effects or results of proposed treatment;
- 6       (17) Functioning outside of the licensee's professional
- 7           competence established by education, training, and
- 8           experience;
- 9       (18) Refusal to comply with any written order of the board;
- 10       (19) Making any fraudulent or untrue statement to the
- 11           board; [~~or~~]
- 12       (20) Violation of a board rule[~~-~~]; or
- 13       (21) Making a false statement on any document submitted or
- 14           required to be filed by this chapter, including a
- 15           false certification of compliance with the continuing
- 16           education requirement."

17       SECTION 5. The director of commerce and consumer affairs  
18 shall provide written notice of the contents of this Act to all  
19 persons licensed under chapter 465, Hawaii Revised Statutes, no  
20 later than October 1, 2014.

21       SECTION 6. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



# H.B. NO. 2208

1 SECTION 7. This Act shall take effect on July 1, 2014.

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# H.B. NO. 2208

**Report Title:**

Psychologists; Continuing Education; Ethics

**Description:**

Requires licensed psychologists to complete a minimum of eighteen credit hours of continuing education courses for the licensing renewal period beginning July 1, 2014, through June 30, 2016. Requires at least three credit hours of continuing education to be ethics courses.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

