

JAN 17 2014

---

---

# A BILL FOR AN ACT

RELATING TO CONTINUING EDUCATION FOR PSYCHOLOGISTS.

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

1           SECTION 1. The legislature finds that in 1967, Hawaii  
2 established regulation of the profession of psychology.  
3 However, unlike other licensed professions, continuing education  
4 credits were not required for psychologists to renew their  
5 license. The legislature also finds that psychologists provide  
6 critically needed services in prevention, intervention, and  
7 treatment to a broad spectrum of clients so it is essential that  
8 psychologists maintain their professional competency and keep  
9 abreast of the latest developments in their profession.

10           The purpose of this Act is to require psychologists in the  
11 State of Hawaii to complete a minimum of eighteen continuing  
12 education credit hours beginning with the renewal for the  
13 licensing biennium July 1, 2016, through June 30, 2018.

14           SECTION 2. Section 465-1, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17           "Continuing education courses" means courses approved by  
18 the American Psychological Association, the Hawaii Psychological



1 Association, or other state or provincial psychological  
2 associations.

3 "Credit hours" means, except as otherwise provided, the  
4 value assigned to fifty minutes of instruction."

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

7 **"§465-11 Renewals.** (a) Every license issued under this  
8 chapter shall be renewed biennially on or before June 30 of each  
9 even-numbered year. Failure to renew a license shall [~~suspend~~]  
10 forfeit the license; provided that a psychologist whose license  
11 has been [~~suspended~~] forfeited for one year or less for failure  
12 to renew may [~~reinstate~~] restore the license by payment of the  
13 renewal fee and, in the case of a psychologist who is audited,  
14 submission of documentation of continuing education compliance,  
15 for the biennium in which the failure occurred[~~, and provided~~  
16 ~~that the period of suspension is not greater than one year~~]. If  
17 licensing has lapsed for more than one year, the person may  
18 reapply for a license in the manner prescribed in the previous  
19 sections of this chapter.

20 (b) A psychologist in good standing who will not be  
21 practicing in the State for at least one year may petition the  
22 board to have the psychologist's license placed on inactive



1 status without penalty. When the psychologist wishes to return  
2 to practice, an application shall be made to the board for  
3 [~~reinstatement~~] reactivation upon payment of the license fee for  
4 the biennial period and subject to the board's review of the  
5 application as provided in its rules.

6 (c) Beginning July 1, 2016, through June 30, 2018, the  
7 licensee shall:

8 (1) Pay all required fees; and

9 (2) Complete a minimum of eighteen credit hours of  
10 continuing education within every license biennium.

11 (d) All first time licensees shall not be subject to the  
12 continuing education requirement for the first license renewal.

13 (e) Each licensee shall be responsible for maintaining the  
14 licensee's continuing education records. At the time of  
15 renewal, each licensee shall certify under oath that the  
16 licensee has complied with the continuing education requirement  
17 of this section. The board may require a licensee to submit  
18 evidence satisfactory to the board that demonstrates compliance  
19 with the continuing education requirement.

20 (f) Any licensee seeking renewal of a license without full  
21 compliance with the continuing education requirements shall  
22 submit with the renewal application the required fee, a



1 notarized affidavit setting forth the facts explaining the  
2 reasons for noncompliance, and a request for an extension on the  
3 basis of the facts; provided that the licensee completes at  
4 least thirty-six hours of continuing education for the next  
5 licensing biennium. The board shall consider each case on an  
6 individual basis and may grant an extension of the requirements  
7 based on:

8       (1) Practice in an isolated geographical area with an  
9       absence of opportunities for continuing education by  
10       taped programs or otherwise; or

11       (2) Inability to devote sufficient hours to continuing  
12       education because of incapacity, undue hardship, or  
13       any other serious extenuating circumstances.

14       (g) The board may conduct random audits of licensees to  
15 determine compliance with the continuing education requirement.  
16 The board shall provide written notice of an audit to a licensee  
17 randomly selected for audit. Within sixty days of notification,  
18 the licensee shall provide the board with documentation  
19 verifying compliance with the continuing education requirement  
20 established by this section."

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



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

6           (1) Professional misconduct, gross carelessness, manifest  
7           incapacity, or incompetency in the practice of  
8           psychology;

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

12          (3) Any unethical practice of psychology as defined by the  
13          board in accordance with its own rules;

14          (4) Fraud or deception in applying for or procuring a  
15          license to practice psychology as defined in section  
16          465-1;

17          (5) Conviction of a crime substantially related to the  
18          qualifications, functions, or duties of psychologists;

19          (6) Wilful unauthorized communication of information  
20          received in professional confidence;

21          (7) The suspension, revocation, or imposition of  
22          probationary conditions by another state of a license



- 1 or certificate to practice psychology issued by that  
2 state if the act for which the disciplinary action was  
3 taken constitutes a violation of this chapter;
- 4 (8) The commission of any dishonest, corrupt, or  
5 fraudulent act or any act of sexual abuse, or sexual  
6 relations with a client, or sexual misconduct that is  
7 substantially related to the qualifications,  
8 functions, or duties of a psychologist;
- 9 (9) Harassment, intimidation, or abuse, sexual or  
10 otherwise, of a client or patient;
- 11 (10) Exercising undue influence in the manner as to exploit  
12 the client, patient, student, or supervisee for  
13 financial or other personal advantage to the  
14 practitioner or a third party;
- 15 (11) Conviction of fraud in filing medicaid claims or  
16 conviction of fraud in filing claims to any third  
17 party payor, for which a copy of the record of  
18 conviction, certified by the clerk of the court  
19 entering the conviction, shall be conclusive evidence;
- 20 (12) Aiding or abetting any unlicensed person to engage in  
21 the practice of psychology;



- 1           (13) Repeated acts of excessive treatment or use of  
2                   diagnostic procedures as determined by the standard of  
3                   the local community of licensees;
- 4           (14) Inability to practice psychology with reasonable skill  
5                   and safety to patients or clients by reason of  
6                   illness, inebriation, or excessive use of any  
7                   substance, or as a result of any mental or physical  
8                   condition;
- 9           (15) Conviction of any crime or offense that reflects the  
10                   inability of the practitioner to practice psychology  
11                   with due regard for the health and safety of clients  
12                   or patients;
- 13           (16) Use of untruthful or deceptive or improbable  
14                   statements concerning the licensee's qualifications or  
15                   the effects or results of proposed treatment;
- 16           (17) Functioning outside of the licensee's professional  
17                   competence established by education, training, and  
18                   experience;
- 19           (18) Refusal to comply with any written order of the board;
- 20           (19) Making any fraudulent or untrue statement to the  
21                   board[+], including a false certification of



1 compliance with the continuing education requirement;

2 or

3 (20) Violation of a board rule."

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

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

7

INTRODUCED BY: Randy H. Bell

Franne Chun Oakland





# S.B. NO. 2465

**Report Title:**

Psychologists; Continuing Education Credits; Licensure

**Description:**

Requires psychologists to complete a minimum of eighteen continuing education credit hours beginning with renewal for the licensing biennium July 1, 2016, through June 30, 2018.

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

