

JAN 17 2014

S.B. NO. 2612

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, through 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.



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

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S.B. NO. 2612

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.

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