



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1168

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

SB2877 SD1 HD2

RELATING TO MENTAL HEALTH COUNSELORS.
Act 063 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH COUNSELORS.

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

1 SECTION 1. Section 453D-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) This chapter shall not apply to:

4 (1) A person doing work within the duties of the person's
5 profession that overlaps with the practice of mental
6 health counseling; provided that no such person shall
7 use a title stating or implying that the person is a
8 "licensed mental health counselor" or "mental health
9 counselor", or describe or refer to the person's
10 services as mental health counseling;

11 (2) Any person who is a duly recognized member of the
12 clergy; provided that the person functions only within
13 the person's capacity as a member of the clergy; and
14 provided further that the person does not represent
15 the person to be a "licensed mental health counselor"
16 or "mental health counselor", or describe or refer to
17 the person's services as mental health counseling;



- 1 (3) Any student enrolled in an accredited educational
2 institution in a recognized program of study leading
3 towards attainment of a graduate degree in mental
4 health counseling or other professional field;
5 provided that the student's activities and services
6 are part of a prescribed course of study supervised by
7 the accredited educational institution and the student
8 is identified by an appropriate title, including but
9 not limited to "mental health counseling student" or
10 "trainee", "clinical psychology student" or "trainee",
11 "social work student" or "trainee", "marriage and
12 family counseling student" or "trainee", or any title
13 that clearly indicates training status;
- 14 (4) Any individual who uses the title of "mental health
15 counselor intern" for the purpose of obtaining
16 clinical experience in accordance with [section
17 ~~453D-7(a)(3);~~] section 453D-7(a)(2);
- 18 (5) Any person employed by a federal, state, or county
19 government agency in a counseling position, but only
20 at those times when the employee is carrying out the



1 duties and responsibilities as a counselor in
2 governmental employment; or
3 (6) Any person who is obtaining supervised clinical
4 experience for licensure as a psychologist, social
5 worker, marriage and family therapist, or as another
6 licensed professional; provided that the person's
7 title indicates a trainee or intern status; and
8 provided further that the person does not purport to
9 be a "licensed mental health counselor" or "mental
10 health counselor".

11 SECTION 2. Section 453D-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§453D-7 Application for licensure as a mental health**
14 **counselor.** (a) An applicant shall be issued a license by the
15 department if the applicant provides satisfactory evidence to
16 the department that the applicant is qualified for licensure
17 pursuant to the requirements of this chapter and meets the
18 following qualifications:

19 (1) [A] Receipt of a master's degree or doctoral degree
20 from an accredited educational institution in
21 counseling or in an allied field related to the



1 practice of mental health counseling that includes, or
2 is supplemented by, graduate level course work in
3 counseling comprising a minimum of forty-eight
4 semester hours or seventy-two quarter hours in the
5 following course areas, with a minimum of three
6 semester hours or five quarter hours in each course
7 area as indicated below:

8 (A) Human growth and development, including but not
9 limited to the study of life span development,
10 strategies to facilitate that development and
11 transitions, theories of learning and personality
12 development, and human behavior to include
13 crisis, disabilities, addictive behavior, and
14 environmental factors;

15 (B) Social and cultural foundations, including but
16 not limited to the study of issues and trends in
17 a multicultural and diverse society, including
18 characteristics of diverse groups that may
19 include but are not limited to age, race,
20 religious or sexual preference, physical
21 disability, ethnicity and culture, gender,



- 1 socioeconomics, intellectual ability, and
2 individual, family, and group strategies with
3 diverse populations;
- 4 (C) Counseling theories and applications, including
5 but not limited to counseling and consultation,
6 including both individual and systems
7 perspectives, interviewing, assessment, and
8 counseling skills, as well as applying
9 principles, methods, and theories of counseling,
10 treatment and counseling of mental and emotional
11 disorders, and educational techniques aimed at
12 preventing [~~such~~] these disorders with
13 individuals and families;
- 14 (D) Group theory and practice, including but not
15 limited to principles of group dynamics, group
16 process, group leadership styles, theories and
17 methods of group counseling, and the application
18 of theory to the group processes;
- 19 (E) Career and lifestyle development, including but
20 not limited to the study of vocational
21 development theories and decision-making models,



- 1 assessment instruments, and techniques, types,
2 sources, and uses of occupational and educational
3 information systems, career development
4 applications, and career counseling processes,
5 techniques, and resources;
- 6 (F) Appraisal of human behavior, including but not
7 limited to assessment and diagnosis of disorders
8 with an emphasis on [~~DSM-IV~~] DSM categories[7]
9 and an understanding of these disorders relative
10 to the counseling context;
- 11 (G) Tests and measurements, including but not limited
12 to theoretical and historical bases for
13 assessment techniques, and assessment methods,
14 including analysis of various types of tests to
15 select, administer, interpret, and use assessment
16 and evaluation instruments and techniques in
17 counseling;
- 18 (H) Research and program evaluation, including but
19 not limited to research design and methods,
20 statistical analysis, principles, practices, and



1 application of needs assessment, and program
2 evaluation; ~~and~~
3 (I) Professional orientation and ethics, including
4 but not limited to the history of the helping
5 profession, professional roles and functions,
6 ethical standards, confidentiality, professional
7 organizations, and the public policy process,
8 including advocacy on behalf of the profession
9 and its clientele; and

10 (J) At least two academic terms of supervised mental
11 health practicum intern experience for graduate
12 credit of at least six semester hours or ten
13 quarter hours in a mental health counseling
14 setting, with a total of three hundred hours of
15 supervised client contact. The practicum
16 experience shall be completed under the clinical
17 supervision of a person who is licensed as a
18 mental health counselor, psychologist, clinical
19 social worker, advanced practice registered nurse
20 with a specialty in mental health, marriage and



1 family therapist, or physician with a specialty
2 in psychiatry;

3 ~~[(2) At least two academic terms of supervised mental~~
4 ~~health practicum intern experience for graduate credit~~
5 ~~of at least six semester hours or ten quarter hours a~~
6 ~~mental health counseling setting with three hundred~~
7 ~~hours of supervised client contact; the practicum~~
8 ~~experience shall be completed under the clinical~~
9 ~~supervision of a person who is licensed as a mental~~
10 ~~health counselor, psychologist, clinical social~~
11 ~~worker, advanced practice registered nurse with a~~
12 ~~specialty in mental health, marriage and family~~
13 ~~therapist, or physician with a specialty in~~
14 ~~psychiatry;~~

15 +(3)] (2) Completion of not less than three thousand hours
16 of post-graduate experience in the practice of mental
17 health counseling, with one hundred hours of face-to-
18 face clinical supervision that shall be completed in
19 no less than two years and in no more than four years,
20 under the clinical supervision of a person who is a
21 licensed mental health counselor, psychologist,



1 clinical social worker, advanced practice registered
2 nurse with a specialty in mental health, marriage and
3 family therapist, or physician with a specialty in
4 psychiatry~~[, and]~~. In collaboration with the
5 supervisor, the applicant may elect to fulfill some or
6 all of the supervision requirements through face-to-
7 face supervision that is conducted electronically
8 through a videoconference service that complies with
9 all federal and state privacy, security, and
10 confidentiality laws, including the Health Insurance
11 Portability and Accountability Act of 1996; provided
12 that the applicant shall review the laws and rules of
13 other jurisdictions to determine the impact, if any,
14 that electronic supervision may have on licensure by
15 endorsement or reciprocity in other states prior to
16 electing electronic supervision; and

17 [~~4~~] Passed] (3) Passage of the National Counselor
18 Examination for Licensure and Certification.

19 (b) An individual [~~who~~] shall be deemed to have met the
20 requirements of this section if the individual:



1 (1) Holds current, unencumbered certification as a
2 national certified counselor or a national certified
3 rehabilitation counselor prior to the effective date
4 of this chapter;

5 (2) Has passed the National Counselor Examination for
6 Licensure and Certification, National Clinical Mental
7 Health Counselors Examination of the National Board
8 for Certified Counselors, or Commission on
9 Rehabilitation Counselor Certification examination
10 after January 1, 2000, and before July 1, 2005; and

11 (3) Within one year of the effective date of this chapter,
12 applies for licensure and pays the applicable license
13 fee[, ~~shall be deemed to have met the requirements of~~
14 ~~this section~~].

15 (c) For an applicant who graduated from an accredited
16 educational institution as specified in subsection (a) (1) before
17 July 1, 2007, the department shall also deem acceptable:

18 (1) For practicum intern experience, written certification
19 from an official of the institution of higher
20 education attesting that the applicant has completed
21 the academic terms, graduate credit hours, and



1 supervised client contact hours in subsection [~~(a)(2)~~]
2 (a) (1) (J) and that the applicant's practicum intern
3 experience is equivalent to a mental health graduate
4 level practicum program; and

5 (2) For post-graduate experience, written certification
6 from an officer and the clinical supervisor of the
7 agency at which the applicant has earned experience
8 attesting that the applicant has completed the hours
9 of experience and supervision in subsection [~~(a)(3)~~]
10 (a) (2), within the time frame set forth in that
11 subsection, and that the applicant's post-graduate
12 experience is equivalent to the practice of mental
13 health counseling.

14 The license requirements for clinical supervisors under
15 subsections [~~(a)(2)~~] (a) (1) (J) and [~~(a)(3)~~] (a) (2) shall not
16 apply to this subsection."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 15 day of SEP, 2020





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: July 8, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2020.


President of the Senate


Clerk of the Senate

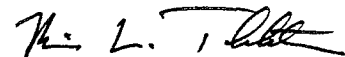
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: July 1, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives