

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

SECTION 1. The legislature finds that there is great demand for high quality mental health practitioners in the State, which is especially acute with the ongoing coronavirus disease 2019 pandemic and its associated hardships.

Accordingly, the purpose of this Act is to expand access to high quality mental health services by:

(1) Establishing provisional or associate-level licensure requirements and reimbursement allowances for certain mental health practitioners in training; and

(2) Allowing psychologist license applicants to sit for the licensing examination before completing other requirements.

## PART I

SECTION 2. Chapter 451J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:



1       "§451J-       Provisional license; associate marriage and  
2 family therapist; services reimbursable.   (a)   The department  
3 shall grant, upon application and payment of proper fees,  
4 provisional licensure as an associate marriage and family  
5 therapist to an individual who:

6       (1)   Has completed a master's degree or doctoral degree  
7 from an accredited educational institution in marriage  
8 and family therapy or in an allied field related to  
9 the practice of mental health counseling that includes  
10 or is supplemented by graduate level course work  
11 comprising a minimum of thirty-three semester hours,  
12 or forty-four quarter hours in the following course  
13 areas:

14       (A)   Marriage and family studies--nine semester hours  
15 or twelve quarter hours;

16       (B)   Marriage and family therapy studies--nine  
17 semester hours or twelve quarter hours;

18       (C)   Human development--nine semester hours or twelve  
19 quarter hours;

20       (D)   Ethical and professional studies--three semester  
21 hours or four quarter hours; and



1           (E) Research--three semester hours or four quarter  
2           hours;

3       (2) Has one-year practicum with three hundred hours  
4       supervised client contact;

5       (3) Engages in practice under the clinical supervision of  
6       a licensed marriage and family therapist during the  
7       period of time necessary to fulfill the necessary  
8       requirements for licensure as a marriage and family  
9       therapist pursuant to section 451J-7; provided that  
10       the licensed marriage and family therapist is in good  
11       standing with the department; and

12       (4) Has passed the National Marriage and Family Therapy  
13       Exam in accordance with section 451J-8.

14       (b) Each provisional license shall include the name and  
15       title of the licensed marriage and family therapist or  
16       therapists described in subsection (a)(3). A provisional  
17       licensee or licensed associate marriage and family therapist may  
18       only practice marriage and family therapy under the direct  
19       supervision of the licensed marriage and family therapist.

20       (c) A provisional license issued pursuant to this section  
21       shall be valid for one year from the date of issuance and may be



1 renewed for an additional one-year period if needed to fulfill  
2 the requirements for licensure as a marriage and family  
3 therapist pursuant to section 451J-7.

4 (d) Services provided by a supervised licensed associate  
5 marriage and family therapist shall be eligible for insurance  
6 reimbursement; provided that the supervising licensed marriage  
7 and family therapist's services are eligible for reimbursement  
8 as a contracted provider; and provided further that the billed  
9 rate for the licensed associate marriage and family therapist is  
10 commensurate with the requisite level of training."

11 SECTION 3. Section 451J-1, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted  
14 and to read:

15 "Associate marriage and family therapist" or "licensed  
16 associate marriage and family therapist" means a person who:

17 (1) Has completed all educational requirements stipulated  
18 in section 451J- (a)(1);

19 (2) Has been issued a provisional license under this  
20 chapter; and



1        (3) Is currently earning supervised clinical experience in  
2        marriage and family therapy under clinical  
3        supervision."

4        2. By amending the definition of "clinical supervision" to  
5 read:

6        "'Clinical supervision" means the supervision of no more  
7 than six persons at the same time who are acquiring and  
8 completing clinical experience in accordance with ~~[section]~~  
9 sections 451J-7(2) and (3) [7] and 451J- (a)(3), by a licensed  
10 marriage and family therapist whose license has been in good  
11 standing in any state for two years preceding commencement and  
12 during the term of supervision, or any licensed mental health  
13 professional whose license has been in good standing in any  
14 state and who has been a clinical member in good standing of the  
15 association for the two years preceding commencement and during  
16 the term of supervision. Clinical supervision includes but is  
17 not limited to case consultation of the assessment and diagnosis  
18 of presenting problems, development and implementation of  
19 treatment plans, and the evaluation of the course of treatment.  
20 Clinical supervision may include direct observation by the



1 qualified supervisor of the provision of marriage and family  
2 therapy services."

3 3. By deleting the definition of "marriage and family  
4 therapy intern".

5 [~~"Marriage and family therapy intern" means a person who~~  
6 ~~has completed all educational requirements stipulated in section~~  
7 ~~451J-7(1)(A) and who is currently earning supervised clinical~~  
8 ~~experience in marriage and family therapy under clinical~~  
9 ~~supervision."~~]

10 SECTION 4. Section 451J-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§451J-3 Powers and duties of the director.** In addition  
13 to any other powers and duties authorized by law, the director  
14 may:

- 15 (1) Examine and approve the qualifications of all  
16 applicants under this chapter, and issue a license to  
17 each successful applicant granting permission to use  
18 the title of marriage and family therapist ~~[or]~~,  
19 licensed marriage and family therapist, associate  
20 marriage and family therapist, or licensed associate  
21 marriage and family therapist in this State pursuant



1 to this chapter and the rules adopted under this  
2 chapter;

3 (2) Adopt, amend, or repeal rules pursuant to chapter 91;

4 (3) Administer, coordinate, and enforce this chapter and  
5 rules;

6 (4) Discipline a person licensed as a marriage and family  
7 therapist or associate marriage and family therapist  
8 for any cause described by this chapter, or for any  
9 violation of rules, or refuse to license a person for  
10 failure to meet licensing requirements or for any  
11 cause that would be grounds for disciplining a  
12 licensed marriage and family therapist[+] or licensed  
13 associate marriage and family therapist; and

14 (5) Appoint an advisory committee of licensed marriage and  
15 family therapists and members of the public to assist  
16 with the implementation of this chapter and the rules;  
17 except that the initial members of the committee who  
18 are marriage and family therapists shall not be  
19 required to be licensed pursuant to this chapter."

20 SECTION 5. Section 451J-5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§451J-5 Prohibited acts. Except as specifically provided  
2 elsewhere in this chapter, no person shall use the title  
3 marriage and family therapist [or], licensed marriage and family  
4 therapist, associate marriage and family therapist, or licensed  
5 associate marriage and family therapist without first having  
6 secured a license under this chapter. The department shall  
7 investigate and prosecute any individual using the title of  
8 marriage and family therapist [or], licensed marriage and family  
9 therapist, associate marriage and family therapist, or licensed  
10 associate marriage and family therapist without being properly  
11 licensed as a marriage and family therapist[-] or associate  
12 marriage and family therapist. Any person who violates this  
13 section shall be subject to a fine of not more than \$1,000 per  
14 violation. Each day's violation shall be deemed a separate  
15 offense. Any action taken to impose or collect the fine imposed  
16 under this section shall be a civil action."

17       SECTION 6. Section 451J-6, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "§451J-6 Exemptions. (a) Licensure shall not be required  
20 of:





- (1) A person doing work within the scope of practice or duties of the person's profession that overlaps with the practice of marriage and family therapy; provided the person does not purport to be a marriage and family therapist ~~[or]~~, licensed marriage and family therapist, associate marriage and family therapist, or licensed associate marriage and family therapist; or
- (2) Any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a graduate degree in marriage and family therapy or other professional field; provided that the student's activities and services are part of a prescribed course of study supervised by the educational institution and the student is identified by an appropriate title including but not limited to "marriage and family therapy student or trainee", "clinical psychology student or trainee", "clinical social work student or trainee", or any title which clearly indicates training status~~[, or~~



~~(3) Any individual who uses the title marriage and family therapy intern for the purpose of obtaining clinical experience in accordance with section 451J-7(3)].~~

(b) Nothing in this chapter shall be construed to prevent qualified members of other licensed professions as defined by any law, rule, or the department, including but not limited to social workers, psychologists, registered nurses, or physicians, from doing or advertising that they assist or treat individuals, couples, or families consistent with the accepted standards of their respective licensed professions; provided that no person, unless the person is licensed as a marriage and family therapist~~[,]~~ or associate marriage and family therapist, shall use the title of marriage and family therapist ~~[or]~~, licensed marriage and family therapist~~[,]~~ associate marriage and family therapist, or licensed associate marriage and family therapist."

SECTION 7. Section 451J-9, Hawaii Revised Statutes, is amended to read as follows:

"~~[4]~~ **§451J-9** **[4]** **Licensure fees.** Licenses shall be valid for three years and shall be renewed triennially~~[,]~~ provided that provisional licenses shall be renewed pursuant to section 451J- . Any applicant for renewal of a license that has



1 expired within one year of the renewal deadline shall be  
2 required to pay a restoration fee in addition to all renewal  
3 fees."

4 SECTION 8. Section 451J-10, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) [~~Licenses~~] Except as provided in section 451J-,  
7 licenses shall be renewed triennially on or before December 31,  
8 with the first renewal deadline occurring on December 31, 2001.  
9 Failure to renew a license shall result in a forfeiture of the  
10 license. Licenses that have been forfeited may be restored  
11 within one year of the expiration date upon payment of renewal  
12 and restoration fees, and in the case of marriage and family  
13 therapists or licensed marriage and family therapists audited  
14 pursuant to subsection (f), documentation of continuing  
15 education compliance. Failure to restore a forfeited license  
16 within one year of the date of its expiration shall result in  
17 the automatic termination of the license. Persons with  
18 terminated licenses shall be required to reapply for licensure  
19 as a new applicant."

20 SECTION 9. Section 451J-12, Hawaii Revised Statutes, is  
21 amended to read as follows:



"[+]§451J-12[+] Confidentiality and privileged communications. No person licensed as a marriage and family therapist[+] or associate marriage and family therapist, nor any of the person's employees or associates, shall be required to disclose any information that the person may have acquired in rendering marriage and family therapy services except in the following circumstances:

- (1) As required by law;
- (2) To prevent a clear and immediate danger to a person or persons;
- (3) In the course of a civil, criminal, or disciplinary action arising from the therapy where the therapist is a defendant;
- (4) In a criminal proceeding where the client is a defendant and the use of the privilege would violate the defendant's right to a compulsory process of the right to present testimony and witnesses in the defendant's own behalf;
- (5) In accordance with the terms of a client's previously written waiver of the privilege; or



(6) Where more than one person in a family jointly receives therapy and each family member who is legally competent executes a written waiver; in that instance, a therapist may disclose information received from any family member in accordance with the terms of the person's waiver."

SECTION 10. Section 451J-13, Hawaii Revised Statutes, is amended to read as follows:

"[4]§451J-13[+] Therapist prohibited from testifying in alimony and divorce actions. If both parties to a marriage have obtained marriage and family therapy by a licensed marriage and family therapist[7] or licensed associate marriage and family therapist, the therapist shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of therapy. This section shall not apply to custody actions whether or not part of a divorce proceeding."

## PART II

SECTION 11. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:



1       "§465-       Provisional license; associate psychologist;  
2 services reimbursable. (a) The board shall grant, upon  
3 application and payment of proper fees, provisional licensure as  
4 an associate psychologist to an individual who:

5       (1) Possess a doctoral degree from:

6           (A) An American Psychological Association approved  
7           program in clinical psychology, counseling  
8           psychology, school psychology, or programs  
9           offering combinations of two or more of these  
10          areas; or

11          (B) A professional psychology training program,  
12          awarded by an institution of higher education, or  
13          from a regionally accredited institution; and

14       (2) Is engaging in post-doctoral supervised experience in  
15       health service psychology pursuant to an organized  
16       health service training program approved by the  
17       director.

18       (b) Each provisional license shall include the name and  
19 title of the supervising licensed psychologist or psychologists  
20 in the program described in subsection (a) (2). A provisional  
21 licensee or licensed associate psychologist may only practice



1 psychology under the direct supervision of the licensed  
2 psychologist; provided that the licensed psychologist is in good  
3 standing with the department.

4 (c) A provisional license issued pursuant to this section  
5 shall be valid for two years from the date of issuance and may  
6 be renewed for an additional one-year period if needed to  
7 fulfill the requirements for full licensure as a psychologist  
8 under section 465-7.

9 (d) Services provided by a supervised licensed associate  
10 psychologist shall be eligible for insurance reimbursement;  
11 provided that the supervising licensed psychologist's services  
12 are eligible for reimbursement as a contracted provider; and  
13 provided further that the billed rate for the licensed associate  
14 psychologist is commensurate with the requisite level of  
15 training."

16 SECTION 12. Section 465-1, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19 "Associate psychologist" or "licensed associate  
20 psychologist" means a person who:



- 1        (1) Has completed all educational requirements stipulated  
2        in section 465- (a) (1);
- 3        (2) Has been issued a provisional license under this  
4        chapter; and
- 5        (3) Is currently engaging in post-doctoral supervised  
6        experience in health service in psychology pursuant to  
7        an organized health service training program approved  
8        by the director."

9        SECTION 13. Section 465-2, Hawaii Revised Statutes, is  
10       amended to read as follows:

11       **"§465-2 License required.** Except as otherwise provided in  
12       this chapter, it shall be unlawful to represent one's self as a  
13       psychologist or associate psychologist or engage in the practice  
14       of psychology without having first obtained a license as  
15       provided in this chapter."

16       SECTION 14. Section 465-3, Hawaii Revised Statutes, is  
17       amended by amending subsection (a) to read as follows:

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

- 19       (1) Any person teaching, lecturing, consulting, or  
20       engaging in research in psychology insofar as the  
21       activities are performed as part of or are dependent





1           upon employment in a college or university; provided  
2           that the person shall not engage in the practice of  
3           psychology outside the responsibilities of the  
4           person's employment;

5           (2) Any person who performs any, or any combination of the  
6           professional services defined as the practice of  
7           psychology under the direction of a licensed  
8           psychologist in accordance with rules adopted by the  
9           board; provided that the person may use the term  
10          "psychological assistant", but shall not identify the  
11          person's self as a psychologist or imply that the  
12          person is licensed to practice psychology;

13          (3) Any person employed by a local, state, or federal  
14          government agency in a school psychologist or  
15          psychological examiner position, or a position that  
16          does not involve diagnostic or treatment services, but  
17          only at those times when that person is carrying out  
18          the functions of such government employment;

19          (4) Any person who is a student of psychology[, a  
20          ~~psychological intern, or a resident in psychology~~  
21          ~~preparing for the profession of psychology under~~



1           ~~supervision in a training institution or facility and~~  
2           ~~who is designated by a title as "psychology trainee",~~  
3           ~~"psychology student", "psychology intern", or~~  
4           ~~"psychology resident", that indicates the person's~~  
5           ~~training status]~~; provided that the person shall not  
6           identify the person's self as a psychologist or  
7           associate psychologist, or imply that the person is  
8           licensed to practice psychology;

9           (5) Any person who is a member of another profession  
10           licensed under the laws of this jurisdiction to render  
11           or advertise services, including psychotherapy, within  
12           the scope of practice as defined in the statutes or  
13           rules regulating the person's professional practice;  
14           provided that, notwithstanding section 465-1, the  
15           person does not represent the person's self to be a  
16           psychologist or associate psychologist or does not  
17           represent that the person is licensed to practice  
18           psychology;

19           (6) Any person who is a member of a mental health  
20           profession not requiring licensure; provided that the  
21           person functions only within the person's professional



1 capacities; and provided further that the person does  
2 not represent the person to be a psychologist[7] or  
3 associate psychologist, or the person's services as  
4 psychological;

5 (7) Any person who is a duly recognized member of the  
6 clergy; provided that the person functions only within  
7 the person's capacities as a member of the clergy; and  
8 provided further that the person does not represent  
9 the person to be a psychologist[7] or associate  
10 psychologist, or the person's services as  
11 psychological; or

12 (8) Any psychologist employed by the United States  
13 Department of Defense, while engaged in the discharge  
14 of the psychologist's official duty and providing  
15 direct telehealth support or services, as defined in  
16 section 431:10A-116.3, to neighbor island  
17 beneficiaries within a Hawaii National Guard armory on  
18 the island of Kauai, Hawaii, Molokai, or Maui;  
19 provided that the psychologist employed by the United  
20 States Department of Defense is credentialed by  
21 Tripler Army Medical Center[7-~~or~~



1       ~~(9) Any supervisee of a licensed psychologist as defined~~  
2           ~~in section 465D-7]."~~

3           SECTION 15. Section 465-3.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5           "(a) Notwithstanding other provisions in this chapter the  
6 director of health may certify that there is an absence or  
7 shortage of licensed psychologists or associate psychologists  
8 for government employment in a particular locality. Upon  
9 receiving certification of the absence or shortage, the board  
10 shall authorize the director to hire and retain persons  
11 currently in government employment to fill the absence or  
12 shortage; provided that persons hired or retained have been duly  
13 licensed as a psychologist by written examination under the laws  
14 of another state or territory of the United States prior to  
15 1977."

16           SECTION 16. Section 465-6, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§465-6 Powers and duties.** In addition to any other  
19 powers and duties authorized by law, the board shall:

20           (1) Examine the qualifications of applicants for licensing  
21           under this chapter to determine their eligibility for



1           licensing as psychologists[+] or associate  
2           psychologists;

3           (2) Administer and grade examinations for applicants as  
4           may be required for the purposes of this chapter. The  
5           board shall determine the examinations and the score  
6           that shall be deemed a passing score. Examinations  
7           shall be scheduled at least once annually;

8           (3) Keep a record of action taken on all applicants for  
9           licensing; the names of all persons licensed;  
10          petitions for temporary permits; actions involving  
11          suspension, revocation, or denial of licenses;  
12          decisions on waiver of examination in whole or in part  
13          and receipt and disbursal of any moneys; and

14          (4) Adopt, amend, and repeal pursuant to chapter 91, rules  
15          as it deems proper for the purposes of this chapter."

16          SECTION 17. Section 465-7, Hawaii Revised Statutes, is  
17          amended by amending subsection (a) to read as follows:

18               "(a) Every applicant for a license as a psychologist shall  
19          submit evidence satisfactory to the board that the applicant  
20          meets the following requirements:



(1) The applicant for licensure shall possess a doctoral degree from:

(A) An American Psychological Association approved program in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas; or

(B) A professional psychology training program, awarded by an institution of higher education, or from a regionally accredited institution;

(2) The applicant for licensure shall demonstrate that the applicant has completed one year of post doctoral supervised experience in health service in psychology, and:

(A) An internship approved by the American Psychological Association; or

(B) One year of supervised experience in health service in psychology, in an internship or residency program in an organized health service training program; [and]



1           (3) The applicant for licensure has passed an examination  
2           as may be prescribed by the board~~[-]~~; provided that  
3           the applicant shall not be required to complete the  
4           requirements of paragraph (2) before applying to sit  
5           for the examination."

6           SECTION 18. Section 465-7.6, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§465-7.6 Licensure of state employed clinical**  
9 **psychologists.** (a) A psychologist employed in a civil service  
10 clinical psychologist position in this State after January 1,  
11 1988, shall be licensed subject to:

12           (1) Meeting the requirements of section 465-7; and

13           (2) Obtaining licensure within two years from the date of  
14           employment~~[-]~~;

15 provided that, if the psychologist is not able to obtain  
16 licensure within two years, the board may grant a waiver if the  
17 psychologist can demonstrate the delay was caused by  
18 circumstances beyond their control.

19           (b) ~~[After]~~ Absent a waiver obtained pursuant to  
20 subsection (a), after the time period in subsection (a)(2) has  
21 expired, a psychologist, employed in a civil service clinical



1 psychologist position rendering diagnostic or treatment  
2 services, who has not obtained a license, shall immediately  
3 cease and desist the practice of psychology until a license is  
4 obtained pursuant to this chapter."

5 SECTION 19. Section 465-8, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§465-8 Licenses, issuance, display. Upon the board  
8 forwarding to the director the name of each applicant who is  
9 entitled to a license under this chapter and upon receipt of the  
10 prescribed fee, the director shall promptly issue to each  
11 applicant a license authorizing the applicant to engage in the  
12 practice of psychology for a period of two years. The license  
13 shall be in the form as the director shall determine. A  
14 licensed psychologist or associate psychologist shall display  
15 the license in a conspicuous place in the psychologist's or  
16 associate psychologist's principal place of business[-];  
17 provided that a provisional license shall include the name and  
18 title of the supervising licensed psychologist or  
19 psychologists."

20 SECTION 20. Section 465-11, Hawaii Revised Statutes, is  
21 amended as follows:





1           1. By amending subsection (a) to read:

2           "(a) Every license issued under this chapter shall be  
3 renewed biennially on or before June 30 of each even-numbered  
4 year. Failure to renew a license shall result in forfeiture of  
5 the license; provided that a psychologist whose license has been  
6 forfeited for one year or less for failure to renew may restore  
7 the license by payment of the renewal fee and, in the case of a  
8 psychologist who is audited, pursuant to subsection (g),  
9 submission of documentation of continuing education compliance,  
10 for the biennium in which the failure occurred[÷]; provided  
11 further that the board may grant waivers or extensions if the  
12 licensee can demonstrate a delay was due to circumstances beyond  
13 their control. If licensing has lapsed for more than one year,  
14 the person may reapply for a license in the manner prescribed in  
15 this chapter."

16           2. By amending subsection (d) to read:

17           "(d) First-time licensees and provisional licensees  
18 pursuant to section 465- shall not be subject to the  
19 continuing education requirement established under subsection  
20 (c)(2) for the first license renewal."



1           SECTION 21. Section 465-15, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) No person shall:

4           (1) Use in connection with the person's name any  
5 designation tending to imply that the person is a  
6 licensed psychologist or license associate  
7 psychologist unless the person is duly licensed and  
8 authorized under this chapter;

9           (2) Represent oneself as a licensed psychologist or  
10 licensed associate psychologist during the time the  
11 person's license issued under this chapter is  
12 suspended or revoked;

13           (3) Advertise or make a representation, either publicly or  
14 privately, as being a psychologist[7] or associate  
15 psychologist, licensed or otherwise, or as being able  
16 to perform professional services described in section  
17 465-1, except as otherwise provided in this chapter,  
18 without having a valid unrevoked license or temporary  
19 permit issued by the director; or

20           (4) Otherwise violate this chapter."

21                           PART III



SECTION 22. Section 467E-7, Hawaii Revised Statutes, is amended to read as follows:

"§467E-7 Licensing requirements~~[-]~~; insurance reimbursement. (a) Every applicant for a license as a social worker shall submit evidence satisfactory to the director that the applicant meets the following requirements:

(1) For the licensed bachelor social worker, the applicant:

(A) Holds a bachelor's degree from a college or university in a social work program accredited by or deemed to be equivalent to a program accredited by the Council on Social Work Education; and

(B) Has passed the basic level national examination given by the Association of Social Work Boards;

(2) For the licensed social worker, the applicant:

(A) Holds a master's degree from a college or university in a social work program accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education or a doctoral degree from a doctoral degree



program in social work accredited by the Western Association of Schools and Colleges or a comparable regional accreditation body; and

(B) Has passed the intermediate or higher level national examination given by the Association of Social Work Boards; and

(3) For the licensed clinical social worker, the applicant:

(A) Has met the educational requirements in paragraph (2);

(B) Has passed the clinical level national examination given by the Association of Social Work Boards;

(C) Has provided evidence of successful completion of at least three thousand hours of post masters clinical social work experience under supervision completed within no fewer than two years, but within no more than five years. Clinical social work experience shall include a minimum of two thousand hours of assessment, clinical diagnosis, and psychotherapy; no more than a maximum of nine



1 hundred hours of client-centered advocacy,  
2 consultation, and evaluation; and at least one  
3 hundred hours of supervision as follows:

4 (i) At least sixty of the one hundred hours of  
5 direct face-to-face supervision shall have  
6 been individualized supervision; and

7 (ii) Not more than forty hours of direct face-to-  
8 face supervision may have been under small  
9 group (up to six supervisees) supervision.

10 An applicant who submits evidence of  
11 certification as a qualified clinical social  
12 worker or diplomate in clinical social work by  
13 the National Association of Social Workers or as  
14 a board certified diplomate by the American Board  
15 of Examiners shall be deemed to have satisfied  
16 the experience requirements of this subparagraph;

17 (D) For the purposes of subparagraph (C), shall have  
18 had clinical supervision as follows:

19 (i) The supervisor shall have been a licensed  
20 clinical social worker with at least four



1           thousand five hundred hours of post masters  
2           clinical social work experience;

3           (ii) For the first five years after July 1, 2004,  
4           the following individuals shall be deemed to  
5           have satisfied the requirements of a  
6           supervisor: a person with a master's degree  
7           in social work with at least four thousand  
8           five hundred hours post masters clinical  
9           social work experience; an individual who  
10          holds a diplomate in clinical social work or  
11          a board certified diplomate certification;  
12          or a board certified psychiatrist,  
13          psychologist, advanced practice registered  
14          nurse who has a minimum of four thousand  
15          five hundred hours of post masters clinical  
16          experience in assessment, clinical  
17          diagnosis, and psychotherapy; and

18          (iii) Supervision shall have included review of  
19          assessment, clinical diagnosis, and  
20          psychotherapy; and



1           (E) In collaboration with the supervisor, may elect  
2           to fulfill some or all of the supervision  
3           requirements set forth in subparagraph (C)  
4           through face-to-face supervision that is  
5           conducted electronically through a video  
6           conference service that is compliant with all  
7           federal and state privacy, security, and  
8           confidentiality laws, including the Health  
9           Insurance Portability and Accountability Act of  
10          1996. Prior to making such an election, it is  
11          incumbent upon the applicant to review the laws  
12          and rules of other jurisdictions to determine the  
13          impact, if any, that electronic supervision may  
14          have on license by endorsement in other states.

15          (b) Services provided by a supervised social work intern  
16          obtaining post masters clinical social work experience under the  
17          supervision of a licensed clinical social worker or individual  
18          identified in section 467E-7(a)(3)(D) in order to qualify for a  
19          license as a licensed clinical social worker shall be eligible  
20          for insurance reimbursement; provided that the supervising  
21          licensed clinical social worker's services are eligible for



1 reimbursement as a contracted provider; provided further that  
2 the billed rate for the social work intern is commensurate with  
3 the requisite level of training."

4 PART IV

5 SECTION 23. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 24. This Act shall take effect upon its approval;  
8 provided that any provision in this Act authorizing insurance  
9 reimbursement for services shall be subject to approval by the  
10 Centers for Medicare and Medicaid Services.

11  
INTRODUCED BY: \_\_\_\_\_

*Jana Ocasio*





# S.B. NO. 2029

**Report Title:**

Mental Health; Provisional Licensure; Marriage and Family Therapists; Psychologists; Licensed Clinical Social Workers; Insurance Reimbursement

**Description:**

Establishes provisional or associate level licensure requirements for marriage and family therapists and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing other requirements.

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

