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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

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

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

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

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

13                                   PART I

14       SECTION 2. Chapter 451J, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 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 under  
18 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 [øx], 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 [øx], 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, 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:

"~~[§]~~**§451J-9**~~[§]~~ **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:



1 " [f] §451J-12 [f] Confidentiality and privileged  
2 communications. No person licensed as a marriage and family  
3 therapist[7] or associate marriage and family therapist, nor any  
4 of the person's employees or associates, shall be required to  
5 disclose any information that the person may have acquired in  
6 rendering marriage and family therapy services except in the  
7 following circumstances:

8 (1) As required by law;

9 (2) To prevent a clear and immediate danger to a person or  
10 persons;

11 (3) In the course of a civil, criminal, or disciplinary  
12 action arising from the therapy where the therapist is  
13 a defendant;

14 (4) In a criminal proceeding where the client is a  
15 defendant and the use of the privilege would violate  
16 the defendant's right to a compulsory process of the  
17 right to present testimony and witnesses in the  
18 defendant's own behalf;

19 (5) In accordance with the terms of a client's previously  
20 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 marriage and family therapist or associate marriage and family 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[~~1~~] **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 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:



1       "§453D-       Provisional license; associate mental health  
2 counselor; services reimbursable.   (a)   The department shall  
3 grant, upon application and payment of proper fees, provisional  
4 licensure as an associate mental health counselor to an  
5 individual who:

6       (1)   Is in receipt of a master's degree or doctoral degree  
7           from an accredited educational institution in  
8           counseling or in an allied field related to the  
9           practice of mental health counseling that includes, or  
10          is supplemented by, graduate level course work in  
11          counseling comprising a minimum of forty-eight  
12          semester hours or seventy-two quarter hours in the  
13          following course areas, with a minimum of three  
14          semester hours or five quarter hours in each course  
15          area as indicated below:

16       (A)   Human growth and development, including but not  
17           limited to the study of life span development,  
18           strategies to facilitate that development and  
19           transitions, theories of learning and personality  
20           development, and human behavior to include



1 crisis, disabilities, addictive behavior, and  
2 environmental factors;

3 (B) Social and cultural foundations, including but  
4 not limited to the study of issues and trends in  
5 a multicultural and diverse society, including  
6 characteristics of diverse groups that may  
7 include but are not limited to age, race,  
8 religious or sexual preference, physical  
9 disability, ethnicity and culture, gender,  
10 socioeconomics, intellectual ability, and  
11 individual, family, and group strategies with  
12 diverse populations;

13 (C) Counseling theories and applications, including  
14 but not limited to counseling and consultation,  
15 including both individual and systems  
16 perspectives, interviewing, assessment, and  
17 counseling skills, as well as applying  
18 principles, methods, and theories of counseling,  
19 treatment and counseling of mental and emotional  
20 disorders, and educational techniques aimed at



1 preventing these disorders with individuals and  
2 families;

3 (D) Group theory and practice, including but not  
4 limited to principles of group dynamics, group  
5 process, group leadership styles, theories and  
6 methods of group counseling, and the application  
7 of theory to the group processes;

8 (E) Career and lifestyle development, including but  
9 not limited to the study of vocational  
10 development theories and decision-making models,  
11 assessment instruments, and techniques, types,  
12 sources, and uses of occupational and educational  
13 information systems, career development  
14 applications, and career counseling processes,  
15 techniques, and resources;

16 (F) Appraisal of human behavior, including but not  
17 limited to assessment and diagnosis of disorders  
18 with an emphasis on DSM categories and an  
19 understanding of these disorders relative to the  
20 counseling context;





1        (G) Tests and measurements, including but not limited  
2        to theoretical and historical bases for  
3        assessment techniques, and assessment methods,  
4        including analysis of various types of tests to  
5        select, administer, interpret, and use assessment  
6        and evaluation instruments and techniques in  
7        counseling;

8        (H) Research and program evaluation, including but  
9        not limited to research design and methods,  
10       statistical analysis, principles, practices, and  
11       application of needs assessment, and program  
12       evaluation;

13       (I) Professional orientation and ethics, including  
14       but not limited to the history of the helping  
15       profession, professional roles and functions,  
16       ethical standards, confidentiality, professional  
17       organizations, and the public policy process,  
18       including advocacy on behalf of the profession  
19       and its clientele; and

20       (J) At least two academic. terms of supervised mental  
21       health practicum intern experience for graduate



1           credit of at least six semester hours or ten  
2           quarter hours in a mental health counseling  
3           setting, with a total of three hundred hours of  
4           supervised client contact. The practicum  
5           experience shall be completed under the clinical  
6           supervision of a person who is licensed as a  
7           mental health counselor, psychologist, clinical  
8           social worker, advanced practice registered nurse  
9           with a specialty in mental health, marriage and  
10          family therapist, or physician with a specialty  
11          in psychiatry;

12          (2) Engages in practice under the clinical supervision of  
13          a licensed mental health counselor during the period  
14          of time necessary to fulfill the necessary  
15          requirements for licensure as a mental health  
16          counselor pursuant to section 453D-7; provided that  
17          the licensed mental health counselor is in good  
18          standing with the department; and

19          (3) Has passed the National Counselor Examination for  
20          Licensure and Certification.



1        (b) Each provisional license shall include the name and  
2 title of the licensed mental health counselor or therapists  
3 described in subsection (a)(2). A provisional licensee or  
4 licensed associate mental health counselor may only practice  
5 mental health counseling under the direct supervision of the  
6 licensed mental health counselor.

7        (c) A provisional license issued pursuant to this section  
8 shall be valid for one year from the date of issuance and may be  
9 renewed for an additional one-year period if needed to fulfill  
10 the requirements for licensure as a mental health counselor  
11 pursuant to section 453D-7.

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

19        SECTION 12. Section 453D-1, Hawaii Revised Statutes, is  
20 amended as follows:



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

3        "Associate mental health counselor" or "licensed  
4 associated mental health counselor" means a person who:

5        (1) Has completed all education requirements under section

6        453D- (a) (1);

7        (2) Has been issued a provisional license under this

8        chapter; and

9        (3) Is currently earning supervised clinical experience in

10       mental health counseling."

11       2. By amending the definition of "clinical supervision" to  
12 read:

13       "Clinical supervision" means supervision applied to all  
14 individuals who are gaining the experience required for a  
15 license as a mental health counselor[-] or associate mental  
16 health counselor. "Clinical supervision" includes but is not  
17 limited to:

18       (1) Case consultation on the assessment and presenting  
19       problem;

20       (2) Development and implementation of treatment plans;



- 1           (3) Enhancement of the supervisee's counseling techniques  
2                   and treatment evaluation skills; and  
3           (4) Evaluation of the course of treatment."

4           SECTION 13. Section 453D-3, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "~~[§]453D-3~~ Powers and duties of the director. In  
7 addition to any other powers and duties authorized by law, the  
8 director shall have the powers and duties to:

- 9           (1) Grant permission to a person to use the title of  
10               "licensed mental health counselor" or "associate  
11               licensed mental health counselor" or a description  
12               indicating one is a licensed mental health counselor  
13               or associate licensed mental health counselor in this  
14               State pursuant to this chapter and the rules adopted  
15               pursuant thereto;  
16           (2) Adopt, amend, or repeal rules pursuant to chapter 91  
17               as the director finds necessary to carry out this  
18               chapter;  
19           (3) Administer, coordinate, and enforce this chapter;  
20           (4) Discipline a licensed mental health counselor or  
21               associate licensed mental health counselor for any due



1 cause described by this chapter or violation of the  
2 rules;

3 (5) Refuse to license a person for failure to meet  
4 licensing requirements or on grounds sufficient to  
5 discipline a licensed mental health counselor[+] or  
6 associate licensed mental health counselor; and

7 (6) Appoint an advisory committee consisting of licensed  
8 mental health counselors and members of the public to  
9 assist with the implementation of this chapter and  
10 adopted rules; provided that the initial members of  
11 the committee who are mental health counselors shall  
12 not be required to be licensed pursuant to this  
13 chapter."

14 SECTION 14. Section 453D-5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§453D-5[+] **Prohibited acts.** Except as specifically  
17 provided in this chapter, no person shall engage in the practice  
18 of mental health counseling or use the title of "licensed mental  
19 health counselor" [e¶], "mental health counselor", "licensed  
20 associate licensed mental health counselor", or "associate  
21 licensed mental health counselor" without a valid license issued



1 under this chapter. Any person who violates this section shall  
2 be subject to a fine of not more than \$1,000 for each separate  
3 offense. Each day of each violation shall constitute a separate  
4 offense. Any action taken to impose or collect the fine imposed  
5 under this section shall be a civil action."

6 SECTION 15. Section 453D-6, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

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

- 9 (1) A person doing work within the duties of the person's  
10 profession that overlaps with the practice of mental  
11 health counseling; provided that no such person shall  
12 use a title stating or implying that the person is a  
13 "licensed mental health counselor" [~~or~~], "mental  
14 health counselor", "associate licensed mental health  
15 counselor", "associate mental health counselor" or  
16 describe or refer to the person's services as mental  
17 health counseling;
- 18 (2) Any person who is a duly recognized member of the  
19 clergy; provided that the person functions only within  
20 the person's capacity as a member of the clergy; and  
21 provided further that the person does not represent



1 the person to be a "licensed mental health counselor"  
2 [eæ], "mental health counselor", "associate licensed  
3 mental health counselor", or "associate mental health  
4 counselor" or describe or refer to the person's  
5 services as mental health counseling;

- 6 (3) Any student enrolled in an accredited educational  
7 institution in a recognized program of study leading  
8 towards attainment of a graduate degree in mental  
9 health counseling or other professional field;  
10 provided that the student's activities and services  
11 are part of a prescribed course of study supervised by  
12 the accredited educational institution and the student  
13 is identified by an appropriate title, including but  
14 not limited to "mental health counseling student" or  
15 "trainee", "clinical psychology student" or "trainee",  
16 "social work student" or "trainee", "marriage and  
17 family counseling student" or "trainee", or any title  
18 that clearly indicates training status;

- 19 ~~[(4) Any individual who uses the title of "mental health~~  
20 ~~counselor intern" for the purpose of obtaining~~





~~clinical experience in accordance with section 453D-~~

~~7(a)(2),~~

~~(5)]~~ (4) Any person employed by a federal, state, or  
county government agency in a counseling position, but  
only at those times when the employee is carrying out  
the duties and responsibilities as a counselor in  
governmental employment; or

~~[(6)]~~ (5) Any person who is obtaining supervised clinical  
experience for licensure as a psychologist, social  
worker, marriage and family therapist, or as another  
licensed professional; provided that the person's  
title indicates a trainee or intern status; and  
provided further that the person does not purport to  
be a "licensed mental health counselor" ~~[or]~~, "mental  
health counselor" ~~[-]~~, "associate licensed mental  
health counselor", or "associate mental health  
counselor".

SECTION 16. Section 453D-10, Hawaii Revised Statutes, is  
amended to read as follows:

**"[~~§~~]§453D-10[~~§~~] Licensure; fees.** A license shall be  
issued to a person deemed to be qualified under ~~[section]~~



1 sections 453D-     or 453D-7 upon the payment of a license fee to  
2 be determined by the department and shall be valid for three  
3 years[-]; provided that provisional licenses shall be renewed  
4 pursuant to section 453D-     ."

5        SECTION 17. Section 453D-11, Hawaii Revised Statutes, is  
6 amended to read as follows:

7        "[~~f~~]**\$453D-11[~~f~~]** **Renewal of license; fees.** [~~L~~icenses]  
8 Except as provided in section 453D-     , licenses shall be  
9 renewed, upon the payment of a renewal fee, triennially not  
10 earlier than ninety days before June 30, with the first renewal  
11 deadline occurring on June 30, 2008. Failure to renew a license  
12 shall result in a forfeiture of the license. Licenses that have  
13 been forfeited may be restored within one year of the expiration  
14 date upon payment of renewal and restoration fees. Failure to  
15 restore a forfeited license within one year of the date of its  
16 expiration shall result in the automatic termination of the  
17 license and the person may be required to reapply for licensure  
18 as a new applicant. All renewal and restoration fees shall be  
19 determined by the department."

20        SECTION 18. Section 453D-13, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       " [÷] §453D-13 [÷] Confidentiality and privileged  
2 communications. No person licensed as a mental health  
3 counselor[÷] or associate mental health counselor nor any of the  
4 person's employees or associates, shall be required to disclose  
5 any information that the person may have acquired in rendering  
6 mental health counseling services, except in the following  
7 circumstances:

8       (1) As required by law;

9       (2) To prevent a clear and imminent danger to a person or  
10       persons;

11       (3) In accordance with the terms of a previously written  
12       waiver of the privilege where the waiver is executed  
13       by the client or by the client's legally recognized  
14       representative;

15       (4) Where more than one person jointly receives counseling  
16       and each person who is legally competent executes a  
17       written waiver. In that instance, a mental health  
18       counselor or associate mental health counselor may  
19       disclose information from any person in accordance  
20       with that person's waiver; or



(5) In the course of a disciplinary action or pursuant to a duly authorized subpoena issued by the department."

SECTION 19. Section 453D-14, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]453D-14~~ Mental health counselor or associate mental health counselor prohibited from testifying in alimony and divorce actions. If both parties to a marriage have obtained mental health counseling from a licensed mental health counselor~~[7]~~ or associate licensed mental health counselor, the counselor shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of mental health counseling. This section shall not apply to custody actions whether or not part of a divorce proceeding."

#### PART III

SECTION 20. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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



1       (1) Possess a doctoral degree from:

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

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

10       (2) Is engaging in post-doctoral supervised experience in  
11       health service psychology pursuant to an organized  
12       health service training program approved by the  
13       director.

14       (b) Each provisional license shall include the name and  
15       title of the supervising licensed psychologist or psychologists  
16       in the program described in subsection (a)(2). A provisional  
17       licensee or licensed associate psychologist may only practice  
18       psychology under the direct supervision of the licensed  
19       psychologist; provided that the licensed psychologist is in good  
20       standing with the department.



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

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

13       SECTION 21. Section 465-1, Hawaii Revised Statutes, is  
14       amended by adding a new definition to be appropriately inserted  
15       and to read as follows:

16       "Associate psychologist" or "licensed associate  
17       psychologist" means a person who:

18       (1) Has completed all educational requirements under  
19       section 465- (a) (1);

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



(3) Is currently engaging in post-doctoral supervised experience in health service in psychology pursuant to an organized health service training program approved by the director."

SECTION 22. Section 465-2, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 23. Section 465-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology outside the responsibilities of the person's employment;



- 1           (2) Any person who performs any, or any combination of the  
2           professional services defined as the practice of  
3           psychology under the direction of a licensed  
4           psychologist in accordance with rules adopted by the  
5           board; provided that the person may use the term  
6           "psychological assistant", but shall not identify the  
7           person's self as a psychologist or imply that the  
8           person is licensed to practice psychology;
- 9           (3) Any person employed by a local, state, or federal  
10          government agency in a school psychologist or  
11          psychological examiner position, or a position that  
12          does not involve diagnostic or treatment services, but  
13          only at those times when that person is carrying out  
14          the functions of such government employment;
- 15          (4) Any person who is a student of psychology[,—a  
16          ~~psychological intern, or a resident in psychology~~  
17          ~~preparing for the profession of psychology under~~  
18          ~~supervision in a training institution or facility and~~  
19          ~~who is designated by a title as "psychology trainee",~~  
20          ~~"psychology student", "psychology intern", or~~  
21          ~~"psychology resident", that indicates the person's~~





1       ~~training status~~]; provided that the person shall not  
2       identify the person's self as a psychologist or  
3       associate psychologist, or imply that the person is  
4       licensed to practice psychology;

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

15      (6) Any person who is a member of a mental health  
16      profession not requiring licensure; provided that the  
17      person functions only within the person's professional  
18      capacities; and provided further that the person does  
19      not represent the person to be a psychologist[7] or  
20      associate psychologist, or the person's services as  
21      psychological;



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

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

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

SECTION 24. Section 465-3.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:



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

12       SECTION 25. Section 465-6, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§465-6 Powers and duties.** In addition to any other  
15 powers and duties authorized by law, the board shall:

16       (1) Examine the qualifications of applicants for licensing  
17       under this chapter to determine their eligibility for  
18       licensing as psychologists[+] or associate  
19       psychologists;

20       (2) Administer and grade examinations for applicants as  
21       may be required for the purposes of this chapter. The



1 board shall determine the examinations and the score  
2 that shall be deemed a passing score. Examinations  
3 shall be scheduled at least once annually;

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

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

12 SECTION 26. Section 465-7, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Every applicant for a license as a psychologist shall  
15 submit evidence satisfactory to the board that the applicant  
16 meets the following requirements:

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

19 (A) An American Psychological Association approved  
20 program in clinical psychology, counseling  
21 psychology, school psychology, or programs



1 offering combinations of two or more of these  
2 areas; or

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

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

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

12 (B) One year of supervised experience in health  
13 service in psychology, in an internship or  
14 residency program in an organized health service  
15 training program; and

16 (3) The applicant for licensure has passed an examination  
17 as may be prescribed by the board.

18 The applicant shall not be required to complete the  
19 requirements of paragraph (2) before applying to sit for  
20 the examination required in paragraph (3)."



SECTION 27. Section 465-7.6, Hawaii Revised Statutes, is amended to read as follows:

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

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

(2) Obtaining licensure within two years from the date of employment[-] *i*

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

(b) ~~[After]~~ Absent a waiver obtained pursuant to subsection (a), after the time period in subsection (a)(2) has expired, a psychologist, employed in a civil service clinical psychologist position rendering diagnostic or treatment services, who has not obtained a license, shall immediately cease and desist the practice of psychology until a license is obtained pursuant to this chapter."



SECTION 28. Section 465-8, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 29. Section 465-11, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Every license issued under this chapter shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a license shall result in forfeiture of



1 the license; provided that a psychologist whose license has been  
2 forfeited for one year or less for failure to renew may restore  
3 the license by payment of the renewal fee and, in the case of a  
4 psychologist who is audited, pursuant to subsection (g),  
5 submission of documentation of continuing education compliance,  
6 for the biennium in which the failure occurred[-]; provided  
7 further that the board may grant waivers or extensions if the  
8 licensee can demonstrate a delay was due to circumstances beyond  
9 their control. If licensing has lapsed for more than one year,  
10 the person may reapply for a license in the manner prescribed in  
11 this chapter."

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

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

17 SECTION 30. Section 465-15, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) No person shall:

20 (1) Use in connection with the person's name any  
21 designation tending to imply that the person is a





1 licensed psychologist or license associate  
2 psychologist unless the person is duly licensed and  
3 authorized under this chapter;

4 (2) Represent oneself as a licensed psychologist or  
5 licensed associate psychologist during the time the  
6 person's license issued under this chapter is  
7 suspended or revoked;

8 (3) Advertise or make a representation, either publicly or  
9 privately, as being a psychologist~~[-]~~ or associate  
10 psychologist, licensed or otherwise, or as being able  
11 to perform professional services described in section  
12 465-1, except as otherwise provided in this chapter,  
13 without having a valid unrevoked license or temporary  
14 permit issued by the director; or

15 (4) Otherwise violate this chapter."

16 PART IV

17 SECTION 31. Section 467E-7, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§467E-7 Licensing requirements~~[-]~~; insurance**  
20 **reimbursement.** (a) Every applicant for a license as a social



1 worker shall submit evidence satisfactory to the director that  
2 the applicant meets the following requirements:

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

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

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

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

13 (A) Holds a master's degree from a college or  
14 university in a social work program accredited by  
15 or deemed to be equivalent to an accredited  
16 program by the Council on Social Work Education  
17 or a doctoral degree from a doctoral degree  
18 program in social work accredited by the Western  
19 Association of Schools and Colleges or a  
20 comparable regional accreditation body; and



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

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

6 (A) Has met the educational requirements in paragraph  
7 (2);

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

11 (C) Has provided evidence of successful completion of  
12 at least three thousand hours of post masters  
13 clinical social work experience under supervision  
14 completed within no fewer than two years, but  
15 within no more than five years. Clinical social  
16 work experience shall include a minimum of two  
17 thousand hours of assessment, clinical diagnosis,  
18 and psychotherapy; no more than a maximum of nine  
19 hundred hours of client-centered advocacy,  
20 consultation, and evaluation; and at least one  
21 hundred hours of supervision as follows:



1 (i) At least sixty of the one hundred hours of  
2 direct face-to-face supervision shall have  
3 been individualized supervision; and

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

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

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

16 (i) The supervisor shall have been a licensed  
17 clinical social worker with at least four  
18 thousand five hundred hours of post masters  
19 clinical social work experience;

20 (ii) For the first five years after July 1, 2004,  
21 the following individuals shall be deemed to



1 have satisfied the requirements of a  
2 supervisor: a person with a master's degree  
3 in social work with at least four thousand  
4 five hundred hours post masters clinical  
5 social work experience; an individual who  
6 holds a diplomate in clinical social work or  
7 a board certified diplomate certification;  
8 or a board certified psychiatrist,  
9 psychologist, advanced practice registered  
10 nurse who has a minimum of four thousand  
11 five hundred hours of post masters clinical  
12 experience in assessment, clinical  
13 diagnosis, and psychotherapy; and

14 (iii) Supervision shall have included review of  
15 assessment, clinical diagnosis, and  
16 psychotherapy; and

17 (E) In collaboration with the supervisor, may elect  
18 to fulfill some or all of the supervision  
19 requirements set forth in subparagraph (C)  
20 through face-to-face supervision that is  
21 conducted electronically through a video



1 conference service that is compliant with all  
2 federal and state privacy, security, and  
3 confidentiality laws, including the Health  
4 Insurance Portability and Accountability Act of  
5 1996. Prior to making such an election, it is  
6 incumbent upon the applicant to review the laws  
7 and rules of other jurisdictions to determine the  
8 impact, if any, that electronic supervision may  
9 have on license by endorsement in other states.

10 (b) Services provided by a supervised social work intern  
11 obtaining post masters clinical social work experience under the  
12 supervision of a licensed clinical social worker or individual  
13 identified in section 467E-7(a)(3)(D) in order to qualify for a  
14 license as a licensed clinical social worker shall be eligible  
15 for insurance reimbursement; provided that the supervising  
16 licensed clinical social worker's services are eligible for  
17 reimbursement as a contracted provider; provided further that  
18 the billed rate for the social work intern is commensurate with  
19 the requisite level of training."

20 PART V



1       SECTION 32. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 33. This Act shall take effect on January 1, 2050;  
4 provided that any provision in this Act authorizing insurance  
5 reimbursement for services shall be subject to approval by the  
6 Centers for Medicare and Medicaid Services.



**Report Title:**

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

**Description:**

Establishes provisional or associate level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing other requirements. Effective 1/1/2050. (SD1)

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