



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE**  
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MANPOWER AND  
RESERVE AFFAIRS

February 8, 2023

The Honorable Senator Joy A. San Buenaventura, Chair  
Committee on Health and Human Services  
415 South Beretania St.  
Honolulu, HI 96813

**SUBJ: Letter of Support – SB 322 (Relating to the Interstate Licensed Professional Counselors Compact)**

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

On behalf of the U.S. Department of Defense (DoD) and military families, I am writing to express strong support for the policy addressed in Senate Bill 322.

DoD has advocated for improved licensure and career portability for military Service members and their spouses for several years. Military spouses are disproportionately affected by state-specific professional licensing requirements that can cause delays and gaps in employment, with thirty-six percent requiring a state license to practice in their professions and an annual cross-state relocation rate ten times higher than their civilian counterparts. Accordingly, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers.

State policies enacting interstate licensure compacts, such as the Licensed Professional Counselors Compact (LPCC), relieve one of the many stressors of frequent military moves by enabling military spouses to transfer their licenses more quickly across state lines and obtain employment as soon as they relocate to a new state. These policies facilitate greater career sustainability for military spouses, improving their families' financial security and overall resilience.

Finally, interstate licensure compacts benefit not only military spouses, but also apply to all eligible professionals to include active duty Service members, members of the reserve components, veterans, and civilians. By enacting the LPCC policy, Hawaii would have the opportunity to increase its behavioral healthcare workforce available to serve the local community while supporting military families. Seventeen states have enacted legislation to participate in the LPCC thus far, and eighteen additional states including Hawaii have introduced legislation to enact this compact in 2023.

In closing, the Department of Defense is very appreciative of Hawaii's ongoing commitment and efforts to support members of the military and their families who sacrifice much in service to our country. Thank you, Chair San Buenaventura, for spearheading this effort and providing me the opportunity to provide comments in support of this policy proposal.

Sincerely,

A handwritten signature in black ink that reads "Kelli May Douglas".

Kelli May Douglas  
Pacific Southwest Regional Liaison  
Defense-State Liaison Office  
DoD, Military Community & Family Policy  
571-265-0075



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Health and Human Services  
Friday, February 10, 2023  
1:00 p.m.  
Conference Room 225 and Videoconference**

**On the following measure:  
S.B. 322, RELATING TO INTERSTATE LICENSED PROFESSIONAL COUNSELORS**

Chair San Buenaventura and Members of the Committee:

My name is Rochelle Araki, and I am the Executive Officer of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division (Division) Mental Health Counselor Licensing Program (Program). The Department opposes this bill.

The purpose of this bill is to adopt the Interstate Licensed Professional Counselors Compact to allow a person who is a licensed professional counselor in the person's state of residence to practice professional counseling in a compact state in which the person is not licensed pursuant to a privilege to practice.

The Department has the following concerns regarding this bill:

- Page 6, Section 3 of the bill:
  - A. *To participate in the Compact, a state must currently:*

(3) *Require Licensees to have a 60-semester hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hour) of graduate course work, including the following topic areas:*

- a. *Professional Counseling Orientation and Ethical Practice;*
- b. *Social and Cultural Diversity;*
- c. *Human Growth and Development;*
- d. *Career Development;*
- e. *Counseling and Helping Relationships;*
- f. *Group Counseling and Group Work;*
- g. *Diagnosis and Treatment; Assessment and Testing;*
- h. *Research and Program evaluation; and*
- i. *Other Areas as determined by the Commission.*

The requirements to participate in this Compact exceed the current laws to obtain a license. Hawaii Revised Statutes (HRS) section 453D-7 requires only 48 semester hours or 72 quarter hours, which includes at least six semester hours or ten quarter hours of practicum experience. Therefore, Hawaii will need to amend its current statute to align it with the Compact requirements to join the Compact. The Department believes this is not appropriate and would prefer that its current license requirements remain intact.

- B. *A Member State shall:*
  - (1) *Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in the Rules.*

The unique identifier is the licensee's Social Security Number or their National Provider Identification (NPI) number. The Division is unable to share licensee's confidential information such as their Social Security Number and does not currently track nor require applicants submit their NPI ID number. Furthermore, the Division's database does not have a field to enter their NPI ID number. These changes can be made, but implementation will take time.

*(3) Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history records information from the Federal Bureau of Investigation (FBI) and the agency responsible for retaining that State's criminal records.*

*a. A Member State must fully implement a criminal background check requirement, within a time frame established by the Rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decision.*

*Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in the Rules.*

Hawaii does not currently require applicants for licensure as a Mental Health Counselor to complete an FBI criminal background check. Language requiring applicants complete a FBI criminal background check would need to be added HRS section 453-7.

Additionally, it appears extremely premature to join the Compact. The Commission is still in the drafting stages of its rules, policies, and bylaws. It is unclear how those policies would impact the Department both financially and operationally.

Thank you for the opportunity to testify on this bill.



February 10, 2023

The Honorable Joy A. San Buenaventura, Chair  
The Honorable Henry J.C. Aquino, Vice Chair  
Senate Committee on Health and Human Services

Re: SB322 – relating to the Interstate Licensed Professional Counselors Compact

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB322, which adopts the Interstate Licensed Professional Counselors Compact to allow a person who is a licensed professional counselor in the person's state of residence to practice professional counseling in a compact state in which the person is not licensed pursuant to a privilege to practice.

HMSA believes in strengthening access to quality health care services in the state of Hawaii. Participation in the compact can help, particularly in rural and underserved communities where the need is greatest. By creating an opportunity for providers who are already licensed in other states to practice in Hawaii, we can expand and support our current health care workforce while making it easier for Hawaii residents to access health care in the place they're located at the time when they need it.

We support Hawaii's participation in interstate compacts, and while broad participation would be ideal, we defer to DCCA for determining capacity and prioritization.

Thank you for the opportunity to testify on SB322.

Sincerely,

Dawn Kurisu  
Assistant Vice President  
Community and Government Relations



February 10, 2023

**To: Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services**

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: February 10, 2023; 1:00 p.m., Conference Room 225/Videoconference

**Re: Testimony in support of SB 322 – Relating to the Interstate Licensed Professional Counselors Compact.**

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify in support of SB 322. HAHP is a statewide partnership that unifies Hawaii’s health plans to improve the health of Hawaii’s communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP appreciates the compact’s ability to relieve some of the burden on our health care providers and increase resources and access for rural communities. HAHP also recognizes that the pandemic highlighted gaps in our health care system. Workforce support and expansion is important to strengthening Hawaii’s health care network. While we recognize that participation in all of the compacts is probably not doable immediately, we support a prioritized and systematic approach to participation in interstate compacts to expand Hawaii’s “toolkit” for providing essential care for our members and our community.

Thank you for the opportunity to testify on SB 322.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

AlohaCare | HMAA | HMSA | Humana | HWMG | Kaiser Permanente | MDX Hawaii | Ohana Health Plan | UHA Health Insurance | UnitedHealthcare

[hahp.org](http://hahp.org) | 818 Keeaumoku Street, Honolulu, HI 96814 | [info@hahp.org](mailto:info@hahp.org)

# TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENT TO SB 322

Hearing Date: Friday, February 10, 2023

Time: 1:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing COMMENTS to SB322, Relating to the recognition of the Interstate Licensed Professional Counselors Compact (the "Compact").

HAJ understands and appreciates the intent of the measure, however, we **oppose SB 322** as it would provide members, officers, executive director, employees and representatives of the commission **immunity from suit in their personal or official capacity for any claim for damage to or loss of property or personal injury or other civil liability** caused by arising out of any actual or alleged act, error or omission that occurred with the scope of employment. Under the Compact immunity from tort liability or civil liability resulting in death, injury to persons, or property damage except in cases of intentional or willful or wanton misconduct of that person. This language is overly broad and puts Hawaii residents at risk for injuries that could occur.

Specifically, Section (G)(1) on page 31-32 of the bill provides that:

“The members, officers, executive director, employees and representatives of the commission **shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act**, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any **damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.**”

Primarily, our concern is that the bill grants overbroad immunity to officers or employees rendering aid pursuant to the Compact for **negligent acts**. The exceptions to immunity only apply to **intentional or willful or wanton misconduct while omitting negligent acts** that could harm our residents. For example, if an officer or employee rendering aid pursuant to the Compact commits negligent acts while rendering aid, they will be immune under this act – leaving no legal recourse for the individual who was harmed. This immunity would even apply if that same officer or employee, while driving, hits a pedestrian through a failure to exercise due care or negligent maintenance of a vehicle

The standard of care that should be applied in any given situation is based on the specific circumstance. Negligent acts cannot and should not be overlooked, without recourse for those harmed, especially for our residents. HAJ opposes this type of immunity for negligent acts or omissions to preserve the rights of our residents and individuals. While we support intergovernmental cooperation for teachers, it is not necessary to exempt our officers of the Compact from negligent conduct.

HAJ respectfully recommends the bill be amended to delete Section (9)(a) on page 21-22. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.



**SB-322**

Submitted on: 2/9/2023 12:36:17 PM

Testimony for HHS on 2/10/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheena Galutira	Individual	Comments	Written Testimony Only

Comments:

While the Counseling Compact has good intentions and can help to address the gap in mental health services, Hawai'i is not prepared to initiate the compact at this time. One of the stipulations of the Counseling Compact under section 3.A.3. is that the state must require licensees to have a 60-semester credit hour (or 90-quarter hours) master's degree in counseling. Hawai'i does NOT meet this requirement. We currently require only a 48-semester hour credit master's degree in counseling in accordance with §453D-7 (see below). As a result, we do not meet the requirements to join the Counseling Compact.

The Hawai'i Counselors Association has been in contact with representatives from several national organizations that set counseling standards and policies on the national and state levels across the US. The guidance we received is that before Hawai'i can become a full member of the compact, we need to require that graduate-level training for mental health counselor licensure be 60 semester credits hours (or 90 quarter hours). As such, Hawai'i is not in a position to pass SB322 at this time.

The Hawai'i Counseling Association opposes SB322 at this time due to the fact that **Hawai'i currently does not meet the requirements of the Counseling Compact.** While it is unclear what the outcome would be if Hawai'i were to pass SB322 at this time, what is known is that we will need to address the graduate training semester credit requirement before counselors in Hawai'i would be able to participate under the compact.

References:

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

- (1) Receipt of a master's degree or doctoral degree from an accredited educational

institution in counseling or in an allied field related to the practice of mental health counseling that includes, or is supplemented, by graduate level course work in counseling comprising a minimum of **forty-eight semester hours or seventy-two quarter hours...**

## **Counselor Compact**

### **Section 3. State Participation in the Compact**

- A. To Participate in the Compact, a State must currently:
1. License and regulate Licensed Professional Counselors;
  2. Require Licensees to pass a nationally recognized exam approved by the Commission;
  3. **Require Licensees to have a 60 semester-hour** (or 90 quarter-hours) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate coursework.



COMMITTEE ON HEALTH AND HUMAN SERVICES  
Senator Joy A. San Buenaventura, Chair  
Senator Henry J.C. Aquino, Vice Chair

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**Counselor Compact**

**Section 3. State Participation in the Compact**

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  3. **Require Licensees to have a 60 semester-hour** (or 90 quarter-hours) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate coursework.

Thank you for the opportunity to provide input into this important bill.

Sincerely,

Christine M. Park, PhD, LMHC, NCC  
President, Hawai'i Counselors Association



February 10, 2023

1 p.m.

Conference Room 225 and Via Videoconference

**To: Senate Committee on Health and Human Services**

**Sen. Joy A. San Buenaventura, Chair**

**Sen. Henry J.C. Aquino, Vice Chair**

**From: Grassroot Institute of Hawaii**

**Ted Kefalas, Director of Strategic Campaigns**

RE: SB322 — RELATING TO THE INTERSTATE LICENSED PROFESSIONAL COUNSELORS COMPACT

***Comments Only***

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB322](#), which would enter Hawaii into the Interstate Licensed Professional Counselors Compact.

If this bill is enacted, the Legislature will take an important step in encouraging more counselors to work in Hawaii.

The need for counselors and mental health professionals has been clearly demonstrated across the last three years. Last year, the state Department of Health reported that 11,000 Hawaii youth had a major depressive episode in 2019, but only half received mental health services.<sup>1</sup>

Attracting more counselors to practice in Hawaii requires a multipronged strategy that will address everything from Hawaii's high cost of living to the state's regulatory scheme for healthcare facilities. Perhaps most important is the need to reform licensing regulations for healthcare professionals.

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<sup>1</sup> ["Department of Health Encourages Move From Awareness to Acceptance for National Children's Mental Health Month,"](#) Hawaii Department of Health, May 2, 2022.

One-fourth of all licensed workers in the U.S. work in healthcare.<sup>2</sup> Their licenses can be difficult to obtain, are expensive and carry geographic or “scope of practice” limitations.

As discussed in an upcoming policy brief on medical licensing by the Grassroot Institute of Hawaii, the state’s shortage of healthcare professionals makes its restrictions on healthcare workers who already hold licenses in other U.S. states seem redundant and self-defeating.

As the Federal Trade Commission noted in a report on occupational licensing portability:

There is little justification for the burdensome, costly, and redundant licensing processes that many states impose on qualified, licensed, out-of-state applicants. Such requirements likely inhibit multistate practice and delay or even prevent licensees from working in their occupations upon relocation to a new state. Indeed, for occupations that have not implemented any form of license portability, the harm to competition from suppressed mobility may far outweigh any plausible consumer protection benefit from the failure to provide for license portability.<sup>3</sup>

In other words, though medical licensing is intended to protect the public, there is a point at which the level of regulation reduces the number of people in practice without an appreciable public benefit.

One study of licensing among medical professionals found that “licensing is associated with restricted labor supply, an increased wage of the licensed occupation, rents, increased output prices, and no measurable effect on output quality.”<sup>4</sup>

This is where we can benefit from the lessons learned during the coronavirus situation. The governor’s emergency modification to state licensing laws demonstrated a need to embrace license portability, making it a simple matter for healthcare workers licensed in other states to practice in Hawaii.

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<sup>2</sup> Ryann Nunn, [“Improving Health Care Through Occupational Licensing Reform.”](#) RealClear Markets, Aug. 28, 2018

<sup>3</sup> Karen Goldman, [“Options to Enhance Occupational License Portability.”](#) U.S. Federal Trade Commission, September 2018, p. 25.

<sup>4</sup> Sean Nicholson and Carol Propper, [“Chapter Fourteen — Medical Workforce.”](#) in “Handbook of Health Economics, Vol. 2,” Elsevier, B.V., 2012, p. 885, cited also in the previously mentioned [FTC study](#), footnote #9, p3.

The interstate compact approach outlined in this bill would streamline licensing for counselors, making it easier for them to move from participating states to Hawaii without facing time-consuming, costly and redundant regulatory hurdles.

The state would retain its control over Hawaii licensure requirements, but simultaneously increase the pool of physical therapists able to practice in Hawaii and shorten the time it would take for them to begin working here.

At present, the Counseling Compact includes [17 states](#). Almost two dozen other states have introduced legislation to join as well. Years of successful implementation testify to the safety and effectiveness of this approach to license reciprocity.

Joining the Counseling Compact would be an important step toward attracting more counselors to our state, thereby addressing mental health needs and improving healthcare access for all.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas  
Director of Strategic Campaigns,  
Grassroot Institute of Hawaii