



GOV. MSG. NO. 1194

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

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

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

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

This is to inform you that on June 27, 2024, the following bill was signed into law:

HB1830 HD2 SD1 CD1

RELATING TO MENTAL HEALTH.
ACT 093

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 1830
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that the State has
3 repeatedly and consistently been recognized by the federal
4 government as a health professional shortage area, meaning the
5 State sorely lacks a sufficient number of mental health
6 professionals, including psychiatrists, psychologists, social
7 workers, marriage and family therapists, and mental health
8 counselors having a focus on marriage and family life, to meet
9 the overwhelming demand for these services in the State. These
10 barriers to access create unnecessarily long wait times for
11 appointments, causing many individuals, especially those
12 individuals living in rural areas, to experience prolonged
13 suffering or choose not to seek any help at all. The result is
14 a domino effect of mass losses in work force development,
15 increased instances of abuse within families, statistically
16 higher rates of substance abuse, and high debt loads.



1 Currently, associate-level practitioners who have completed
2 rigorous educational and other professional development
3 requirements are deemed capable of rendering professional
4 services to clients seeking mental health treatment under
5 licensed clinical supervision in order to complete the post-
6 degree, pre-license hours required for full licensure status.
7 However, unlike many other professions and trades that have
8 similar requirements, because no laws exist that allow for
9 health insurance reimbursements of their services, almost all of
10 these mental health professionals go unpaid for the life-
11 changing services that they perform for residents of the State.

12 The inability to be reimbursed by health insurance has
13 caused undue hardships for these mental health professionals and
14 their families as they are essentially forced to work one very
15 difficult and taxing job for free and a second job to meet
16 personal needs. Unfortunately, this model of living is
17 unsustainable and causes many of these practitioners to
18 permanently move from Hawaii to one of the many other states
19 where insurance reimbursements are allowed.

20 The legislature further finds that there is great demand
21 for high quality mental health professionals in the State,



1 particularly in the aftermath of the coronavirus disease 2019
2 pandemic. Accordingly, the purpose of this Act is to expand
3 access to high quality mental health services by:

4 (1) Establishing provisional or associate-level licensure
5 requirements and insurance reimbursement allowances
6 for marriage and family therapists, mental health
7 counselors, and psychologists in training;

8 (2) Authorizing psychologist license applicants who
9 possess a provisional license to sit for their
10 licensing examination before completing certain post-
11 doctoral supervised experience requirements; and

12 (3) Authorizing insurance reimbursements for services
13 provided by a supervised social work intern in certain
14 circumstances.

15 PART II

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

19 "§451J- Provisional license for associate marriage and
20 family therapists; services reimbursable. (a) The department
21 shall grant, upon application and payment of proper fees,



1 provisional licensure as an associate marriage and family
2 therapist to an individual who:

- 3 (1) Has received a master's or doctoral degree from an
4 accredited educational institution in marriage and
5 family therapy or in an allied field related to the
6 practice of mental health counseling;
- 7 (2) Has completed a one year practicum with three hundred
8 hours of supervised client contact; and
- 9 (3) Engages in marriage and family therapy practice under
10 the clinical supervision of a licensed marriage and
11 family therapist or any licensed mental health
12 professional during the period of time necessary to
13 fulfill the clinical experience requirements for
14 licensure as a marriage and family therapist pursuant
15 to section 451J-7(3); provided that the licensed
16 marriage and family therapist or licensed mental
17 health professional is in good standing with the
18 department.

19 (b) Each provisional license issued pursuant to this
20 section shall include the name and title of the licensed
21 marriage and family therapist or licensed mental health



1 professional providing clinical supervision of the applicant as
2 described in subsection (a) (3). A licensed associate marriage
3 and family therapist shall practice marriage and family therapy
4 only under the direct supervision of the licensed marriage and
5 family therapist or licensed mental health professional.

6 (c) A provisional license issued pursuant to this section
7 shall be valid for one year from the date of issuance and may be
8 renewed for an additional one-year period if needed to fulfill
9 the requirements for licensure as a marriage and family
10 therapist pursuant to section 451J-7(3).

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

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

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



1 ""Associate marriage and family therapist" or "licensed
2 associate marriage and family therapist" means a person who:

3 (1) Has completed all educational requirements under
4 section 451J- (a) (1);

5 (2) Has been issued a provisional license under this
6 chapter; and

7 (3) Is currently earning supervised clinical experience in
8 marriage and family therapy under clinical
9 supervision."

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

12 ""Clinical supervision" means the supervision of no more
13 than six persons at the same time who are acquiring and
14 completing clinical experience in accordance with [section]
15 sections 451J-7(2) and (3) [7] and 451J- (a) (3), by a licensed
16 marriage and family therapist whose license has been in good
17 standing in any state for two years preceding commencement and
18 during the term of supervision, or any licensed mental health
19 professional whose license has been in good standing in any
20 state and who has been a clinical member in good standing of the
21 association for the two years preceding commencement and during



1 the term of supervision. [~~Clinical supervision~~] "Clinical
2 supervision" includes but is not limited to case consultation of
3 the assessment and diagnosis of presenting problems, development
4 and implementation of treatment plans, and the evaluation of the
5 course of treatment. [~~Clinical supervision~~] "Clinical
6 supervision" may include direct observation by the qualified
7 supervisor of the provision of marriage and family therapy
8 services."

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

11 [~~"Marriage and family therapy intern" means a person who~~
12 ~~has completed all educational requirements stipulated in section~~
13 ~~451J-7(1)(A) and who is currently earning supervised clinical~~
14 ~~experience in marriage and family therapy under clinical~~
15 ~~supervision."]~~

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

18 "**§451J-3 Powers and duties of the director.** In addition
19 to any other powers and duties authorized by law, the director
20 may:



- 1 (1) Examine and approve the qualifications of all
2 applicants under this chapter, and issue a license to
3 each successful applicant granting permission to use
4 the title of marriage and family therapist [~~or~~],
5 licensed marriage and family therapist, associate
6 marriage and family therapist, or licensed associate
7 marriage and family therapist in this State pursuant
8 to this chapter and the rules adopted under this
9 chapter;
- 10 (2) Adopt, amend, or repeal rules pursuant to chapter 91;
- 11 (3) Administer, coordinate, and enforce this chapter and
12 rules;
- 13 (4) Discipline a person licensed as a marriage and family
14 therapist or an associate marriage and family
15 therapist for any cause described by this chapter, or
16 for any violation of rules, or refuse to license a
17 person for failure to meet licensing requirements or
18 for any cause that would be grounds for disciplining a
19 licensed marriage and family therapist[+] or licensed
20 associate marriage and family therapist; and



1 (5) Appoint an advisory committee of licensed marriage and
2 family therapists and members of the public to assist
3 with the implementation of this chapter and the rules;
4 except that the initial members of the committee who
5 are marriage and family therapists shall not be
6 required to be licensed pursuant to this chapter."

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

9 "~~§~~451J-5 **Prohibited acts.** Except as specifically provided
10 elsewhere in this chapter, no person shall use the title
11 marriage and family therapist [~~or~~], licensed marriage and family
12 therapist, associate marriage and family therapist, or licensed
13 associate marriage and family therapist without first having
14 secured a license under this chapter. The department shall
15 investigate and prosecute any individual using the title of
16 marriage and family therapist [~~or~~], licensed marriage and family
17 therapist, associate marriage and family therapist, or licensed
18 associate marriage and family therapist without being properly
19 licensed as a marriage and family therapist[-] or an associate
20 marriage and family therapist. Any person who violates this
21 section shall be subject to a fine of [~~not~~] no more than \$1,000



1 per violation. Each day's violation shall be deemed a separate
2 offense. Any action taken to impose or collect the fine imposed
3 under this section shall be a civil action."

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

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

8 (1) A person doing work within the scope of practice or
9 duties of the person's profession that overlaps with
10 the practice of marriage and family therapy; provided
11 that the person does not purport to be a marriage and
12 family therapist [~~or~~], a licensed marriage and family
13 therapist[~~or~~], an associate marriage and family
14 therapist, or a licensed associate marriage and family
15 therapist; or

16 (2) Any student enrolled in an accredited educational
17 institution in a recognized program of study leading
18 toward attainment of a graduate degree in marriage and
19 family therapy or other professional field; provided
20 that the student's activities and services are part of
21 a prescribed course of study supervised by the



1 educational institution and the student is identified
2 by an appropriate title, including but not limited to
3 "marriage and family therapy student or trainee",
4 "clinical psychology student or trainee", "clinical
5 social work student or trainee", or any title [which]
6 that clearly indicates training status[~~+~~~~or~~

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

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



1 and family therapist, or licensed associate marriage and family
2 therapist."

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

5 "[~~+~~]\$451J-9[~~+~~] **Licensure fees.** [~~Licenses~~] Except as
6 otherwise provided in section 451J- , licenses shall be valid
7 for three years and shall be renewed triennially. Any applicant
8 for renewal of a license that has expired within one year of the
9 renewal deadline shall be required to pay a restoration fee in
10 addition to all renewal fees."

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

13 "(a) [~~Licenses~~] Except as otherwise provided in section
14 451J- , licenses shall be renewed triennially on or before
15 December 31, with the first renewal deadline occurring on
16 December 31, 2001. Failure to renew a license shall result in a
17 forfeiture of the license. Licenses that have been forfeited
18 may be restored within one year of the expiration date upon
19 payment of renewal and restoration fees, and in the case of
20 marriage and family therapists or licensed marriage and family
21 therapists audited pursuant to subsection (f), documentation of



1 continuing education compliance. Failure to restore a forfeited
2 license within one year of the date of its expiration shall
3 result in the automatic termination of the license. Persons
4 with terminated licenses shall be required to reapply for
5 licensure as a new applicant."

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

8 "[+]§451J-12[+] **Confidentiality and privileged**
9 **communications.** No person licensed as a marriage and family
10 therapist[7] or an associate marriage and family therapist, nor
11 any of the person's employees or associates, shall be required
12 to disclose any information that the person may have acquired in
13 rendering marriage and family therapy services except in the
14 following circumstances:

- 15 (1) As required by law;
- 16 (2) To prevent a clear and immediate danger to a person or
17 persons;
- 18 (3) In the course of a civil, criminal, or disciplinary
19 action arising from the therapy where the therapist is
20 a defendant;



- 1 (4) In a criminal proceeding where the client is a
2 defendant and the use of the privilege would violate
3 the defendant's right to a compulsory process of the
4 right to present testimony and witnesses in the
5 defendant's own behalf;
- 6 (5) In accordance with the terms of a client's previously
7 written waiver of the privilege; or
- 8 (6) Where more than one person in a family jointly
9 receives therapy and each family member who is legally
10 competent executes a written waiver; in that instance,
11 a marriage and family therapist or an associate
12 marriage and family therapist may disclose information
13 received from any family member in accordance with the
14 terms of the person's waiver."

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

17 "[~~f~~]~~S~~451J-13[~~+~~] **Therapist prohibited from testifying in**
18 **alimony and divorce actions.** If both parties to a marriage have
19 obtained marriage and family therapy by a licensed marriage and
20 family therapist[~~r~~] or licensed associate marriage and family
21 therapist, the therapist shall be prohibited from testifying in



1 an alimony or divorce action concerning information acquired in
2 the course of therapy. This section shall not apply to custody
3 actions whether or not part of a divorce proceeding."

4 PART III

5 SECTION 11. Chapter 453D, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§453D- Provisional license for associate mental health
9 counselors; services reimbursable. (a) The department shall
10 grant, upon application and payment of proper fees, provisional
11 licensure as an associate mental health counselor to an
12 individual who:

13 (1) Has received a master's or doctoral degree from an
14 accredited educational institution in counseling or in
15 an allied field related to the practice of mental
16 health counseling that includes, or is supplemented
17 by, at least two academic terms of supervised mental
18 health practicum intern experience for graduate credit
19 of at least six semester hours or ten quarter hours in
20 a mental health counseling setting, with a total of
21 three hundred hours of supervised client contact. The



1 practicum experience shall be completed under the
2 clinical supervision of a licensed clinical
3 supervisor; and

4 (2) Engages in the practice of mental health counseling
5 under the clinical supervision of a licensed clinical
6 supervisor during the period of time necessary to
7 fulfill the requirements for licensure as a mental
8 health counselor pursuant to section 453D-7(a)(2);
9 provided that the licensed clinical supervisor is in
10 good standing with the department.

11 (b) Each provisional license issued pursuant to this
12 section shall include the name and title of the licensed
13 clinical supervisor providing clinical supervision of the
14 applicant as described in subsection (a)(2). A licensed
15 associate mental health counselor shall practice mental health
16 counseling only under the direct supervision of the licensed
17 clinical supervisor.

18 (c) A provisional license issued pursuant to this section
19 shall be valid for one year from the date of issuance and may be
20 renewed for an additional one-year period if needed to fulfill



1 the requirements for licensure as a mental health counselor
2 pursuant to section 453D-7(a)(2).

3 (d) Services provided by a supervised licensed associate
4 mental health counselor shall be eligible for insurance
5 reimbursement; provided that the supervising licensed clinical
6 supervisor's services are eligible for reimbursement as a
7 contracted provider; provided further that the billed rate for
8 the licensed associate mental health counselor is commensurate
9 with the requisite level of training.

10 (e) For the purposes of this section, "clinical
11 supervisor" means a person who provides clinical supervision and
12 who is licensed as a mental health counselor, psychologist,
13 clinical social worker, advanced practice registered nurse with
14 a specialty in mental health, marriage and family therapist, or
15 physician with a specialty in psychiatry."

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

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

20 "Associate mental health counselor" or "licensed associate
21 mental health counselor" means a person who:



- 1 (1) Has completed all education requirements under section
- 2 453D- (a) (1);
- 3 (2) Has been issued a provisional license under this
- 4 chapter; and
- 5 (3) Is currently earning supervised clinical experience in
- 6 mental health counseling under clinical supervision."

7 2. By amending the definition of "clinical supervision" to
8 read:

9 ""Clinical supervision" means supervision applied to all
10 individuals who are gaining the experience required for a
11 license as a mental health counselor[-] or an associate mental
12 health counselor. "Clinical supervision" includes but is not
13 limited to:

- 14 (1) Case consultation on the assessment and presenting
- 15 problem;
- 16 (2) Development and implementation of treatment plans;
- 17 (3) Enhancement of the supervisee's counseling techniques
- 18 and treatment evaluation skills; and
- 19 (4) Evaluation of the course of treatment."

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



1 "[+]§453D-3[+] Powers and duties of the director. In
2 addition to any other powers and duties authorized by law, the
3 director shall have the powers and duties to:

- 4 (1) Grant permission to a person to use the title of
5 "licensed mental health counselor" or "licensed
6 associate mental health counselor" or a description
7 indicating one is a licensed mental health counselor
8 or licensed associate mental health counselor in this
9 State pursuant to this chapter and the rules adopted
10 pursuant thereto;
- 11 (2) Adopt, amend, or repeal rules pursuant to chapter 91
12 as the director finds necessary to carry out this
13 chapter;
- 14 (3) Administer, coordinate, and enforce this chapter;
- 15 (4) Discipline a licensed mental health counselor or
16 licensed associate mental health counselor for any due
17 cause described by this chapter or violation of the
18 rules;
- 19 (5) Refuse to license a person for failure to meet
20 licensing requirements or on grounds sufficient to



1 discipline a licensed mental health counselor[+] or
2 licensed associate mental health counselor; and
3 (6) Appoint an advisory committee consisting of licensed
4 mental health counselors and members of the public to
5 assist with the implementation of this chapter and
6 adopted rules; provided that the initial members of
7 the committee who are mental health counselors shall
8 not be required to be licensed pursuant to this
9 chapter."

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

12 "[+]§453D-5[+] **Prohibited acts.** Except as specifically
13 provided in this chapter, no person shall engage in the practice
14 of mental health counseling or use the title of "licensed mental
15 health counselor" [e], "mental health counselor", "licensed
16 associate mental health counselor", or "associate mental health
17 counselor" without a valid license issued under this chapter.
18 Any person who violates this section shall be subject to a fine
19 of [not] no more than \$1,000 for each separate offense. Each
20 day of each violation shall constitute a separate offense. Any



1 action taken to impose or collect the fine imposed under this
2 section shall be a civil action."

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

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

6 (1) A person doing work within the duties of the person's
7 profession that overlaps with the practice of mental
8 health counseling; provided that ~~[no such]~~ the person
9 shall not use a title stating or implying that the
10 person is a "licensed mental health counselor" ~~[or]~~,
11 "mental health counselor", "licensed associate mental
12 health counselor", or an "associate mental health
13 counselor" or describe or refer to the person's
14 services as mental health counseling;

15 (2) Any person who is a duly recognized member of the
16 clergy; provided that the person functions only within
17 the person's capacity as a member of the clergy; ~~[and]~~
18 provided further that the person does not represent
19 the person to be a "licensed mental health counselor"
20 ~~[or]~~, "mental health counselor", "licensed associate
21 mental health counselor", or an "associate mental



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



1 only at those times when the employee is carrying out
2 the duties and responsibilities as a counselor in
3 governmental employment; or

4 ~~[-(6)-]~~ (5) Any person who is obtaining supervised clinical
5 experience for licensure as a psychologist, social
6 worker, marriage and family therapist, or as another
7 licensed professional; provided that the person's
8 title indicates a trainee or intern status; and
9 provided further that the person does not purport to
10 be a "licensed mental health counselor" ~~[or]~~, "mental
11 health counselor" ~~[-]~~, "licensed associate mental
12 health counselor", or an "associate mental health
13 counselor"."

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

16 "~~[+]~~\$453D-10~~[+]~~ **Licensure; fees.** A license shall be
17 issued to a person deemed to be qualified under ~~[section]~~
18 sections 453D- or 453D-7 upon the payment of a license fee to
19 be determined by the department and shall be valid for three
20 years~~[-]~~; provided that provisional licenses shall be valid for
21 one year."



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

3 "[+]§453D-11[+] **Renewal of license; fees.** [~~L~~icenses]

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

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

18 "[+]§453D-13[+] **Confidentiality and privileged**
19 **communications.** No person licensed as a mental health
20 counselor[~~r~~] or an associate mental health counselor, nor any of
21 the person's employees or associates, shall be required to



1 disclose any information that the person may have acquired in
2 rendering mental health counseling services, except in the
3 following circumstances:

- 4 (1) As required by law;
- 5 (2) To prevent a clear and imminent danger to a person or
6 persons;
- 7 (3) In accordance with the terms of a previously written
8 waiver of the privilege where the waiver is executed
9 by the client or by the client's legally recognized
10 representative;
- 11 (4) Where more than one person jointly receives counseling
12 and each person who is legally competent executes a
13 written waiver. In that instance, [~~a mental health~~
14 ~~counselor~~] information may [~~disclose information~~] be
15 disclosed from any person in accordance with that
16 person's waiver; or
- 17 (5) In the course of a disciplinary action or pursuant to
18 a duly authorized subpoena issued by the department."

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



1 "~~§~~453D-14~~§~~ Mental health counselor or associate
2 mental health counselor prohibited from testifying in alimony
3 and divorce actions. If both parties to a marriage have
4 obtained mental health counseling from a licensed mental health
5 counselor~~§~~ or licensed associate mental health counselor, the
6 counselor shall be prohibited from testifying in an alimony or
7 divorce action concerning information acquired in the course of
8 mental health counseling. This section shall not apply to
9 custody actions whether or not part of a divorce proceeding."

PART IV

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

14 "§465- Provisional license for associate psychologists;
15 services reimbursable. (a) The board shall grant, upon
16 application and payment of proper fees, provisional licensure as
17 an associate psychologist to an individual who:

18 (1) Possesses a doctoral 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; and

6 (2) Is engaging in post-doctoral supervised experience in
7 health service in psychology pursuant to an organized
8 health service training program approved by the board.

9 (b) Each provisional license issued pursuant to this
10 section shall include the name and title of the supervising
11 psychologist or psychologists in the training program described
12 in subsection (a) (2). An associate psychologist shall practice
13 psychology only under the direct supervision of the supervising
14 psychologist; provided that:

15 (1) The supervising psychologist holds a current, active,
16 and unencumbered license with the board; and

17 (2) The supervising psychologist shall notify the board
18 within ten days of the termination or completion of
19 the supervision.



1 (c) A provisional license issued pursuant to this section
2 shall be valid for one year to fulfill the requirements for full
3 licensure as a psychologist under section 465-7.

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

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

13 "Associate psychologist" means a person who:

- 14 (1) Has completed all educational requirements under
15 section 465- (a) (1);
16 (2) Has been issued a provisional license under this
17 chapter; and
18 (3) Is currently engaging in post-doctoral supervised
19 experience in health service in psychology pursuant to
20 an organized health service training program approved
21 by the board."



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

3 "§465-2 License required. Except as otherwise provided in
4 this chapter, it shall be unlawful to represent one's self as a
5 psychologist or an associate psychologist or engage in the
6 practice of psychology without having first obtained a license
7 as provided in this chapter."

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

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

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

18 (2) Any person, except an associate psychologist granted
19 provisional licensure pursuant to section 465- , who
20 performs any, or any combination, of the professional
21 services defined as the practice of psychology under



1 the direction of a licensed psychologist in accordance
2 with rules adopted by the board; provided that the
3 person may use the term "psychological assistant", but
4 shall not identify the person's self as a psychologist
5 or an associate psychologist or imply that the person
6 is licensed to practice psychology;

7 (3) Any person employed by a local, state, or federal
8 government agency in a school psychologist or
9 psychological examiner position, or a position that
10 does not involve diagnostic or treatment services, but
11 only at those times when that person is carrying out
12 the functions of [~~such~~] the government employment;

13 (4) Any person who is a student of psychology [~~a~~
14 ~~psychological intern, or a resident in psychology~~
15 ~~preparing for the profession of psychology under~~
16 ~~supervision in a training institution or facility and~~
17 ~~who is designated by a title as "psychology trainee",~~
18 ~~"psychology student", "psychology intern", or~~
19 ~~"psychology resident", that indicates the person's~~
20 ~~training status;~~] enrolled in a professional
21 psychology training program as defined under this



1 chapter; provided that the person shall not identify
2 the person's self as a psychologist or an associate
3 psychologist or imply that the person is licensed to
4 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~~] shall not represent the person's self to
12 be a psychologist [~~or does not represent that the~~
13 ~~person is~~], an associate psychologist, or an
14 individual licensed to practice 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
19 [~~does~~] shall not represent the person to be a
20 psychologist [~~7~~] or an associate psychologist or the
21 person's services as psychological;



1 (7) Any person who is a duly recognized member of the
2 clergy; provided that the person functions only within
3 the person's capacities as a member of the clergy;
4 [~~and~~] provided further that the person [~~does~~] shall
5 not represent the person to be a psychologist[~~r~~] or an
6 associate psychologist or the person's services as
7 psychological; or

8 (8) Any psychologist employed by the United States
9 Department of Defense, while engaged in the discharge
10 of the psychologist's official duty and providing
11 direct telehealth support or services, as defined in
12 section 431:10A-116.3, to neighbor island
13 beneficiaries within a Hawaii National Guard armory on
14 the island of Kauai, Hawaii, Molokai, or Maui;
15 provided that the psychologist employed by the United
16 States Department of Defense [~~is~~] shall be
17 credentialed by Tripler Army Medical Center[~~r~~ ~~or~~
18 ~~(9) Any supervisee of a licensed psychologist as defined~~
19 ~~in section 465D-7]."~~

20 SECTION 24. Section 465-3.5, Hawaii Revised Statutes, is
21 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[-]; provided that
18 applicants issued an associate psychologist
19 provisional license pursuant to section 465- shall
20 be authorized to take the examination upon the
21 issuance of the license; provided further that the



1 authorization to take the examination shall terminate
2 on the date the provisional license expires or if
3 disciplinary action is taken on the license."

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

6 "**§465-7.6 Licensure of state employed clinical**
7 **psychologists.** (a) A psychologist employed in a civil service
8 clinical psychologist position in this State after January 1,
9 1988, shall be licensed subject to:

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

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

13 provided that if the psychologist is not able to obtain
14 licensure pursuant to subsection (a) (2), the board may grant a
15 waiver of up to one year to complete the requirements for
16 licensure if the psychologist can demonstrate that the inability
17 to meet the requirements for licensure was caused by
18 circumstances beyond the psychologist's control.

19 (b) ~~[After]~~ Absent a waiver obtained pursuant to
20 subsection (a), or upon the expiration of the time period in
21 subsection (a) (2) ~~[has expired]~~, a psychologist, employed in a



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

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

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

20 SECTION 29. Section 465-11, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) First-time licensees and associate psychologists
2 licensed pursuant to section 465- shall not be subject to the
3 continuing education requirement established under subsection
4 (c) (2) for the first license renewal."

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

7 "(a) No person shall:

8 (1) Use in connection with the person's name any
9 designation tending to imply that the person is a
10 licensed psychologist or licensed associate
11 psychologist unless the person is duly licensed and
12 authorized under this chapter;

13 (2) Represent oneself as a licensed psychologist or
14 licensed associate psychologist during the time the
15 person's license issued under this chapter is
16 suspended or revoked;

17 (3) Advertise or make a representation, either publicly or
18 privately, as being a psychologist[7] or an associate
19 psychologist, licensed or otherwise, or as being able
20 to perform professional services described in section
21 465-1, except as otherwise provided in this chapter,



- 1 without having a valid unrevoked license or temporary
2 permit issued by the director; or
3 (4) Otherwise violate this chapter."

4 PART V

5 SECTION 31. Section 467E-6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§467E-6 Exemptions.** Licensure shall not be required of:

- 8 (1) Any licensed person doing work within the scope of
9 practice or duties of the person's profession that
10 overlaps with the practice of social work; provided
11 that the person does not purport to be a social
12 worker;
- 13 (2) Any person employed by a federal, state, or county
14 government agency in a social worker position, but
15 only at those times when that person is carrying out
16 the duties and responsibilities as a social worker in
17 governmental employment;
- 18 (3) Any student enrolled in an accredited educational
19 institution in a recognized program of study leading
20 toward attainment of a degree in social work; provided
21 that the student's activities and services are part of



- 1 a prescribed course of study supervised by the
2 educational institution, and the student is identified
3 by an appropriate title such as "social work student",
4 "social work intern", or any other title which clearly
5 indicates the student's training status;
- 6 (4) Any person who is a member of a mental health
7 profession not requiring licensure; provided that the
8 person functions only within the person's professional
9 capacities; and provided further that the person does
10 not purport to be a social worker;
- 11 (5) Any person teaching, lecturing, consulting, or
12 engaging in research in social work insofar as the
13 activities are performed as part of or are dependent
14 upon employment in a college or university; provided
15 that the person shall not engage in the practice of
16 social work outside the responsibilities of the
17 person's employment;
- 18 (6) Any person who is a duly recognized member of the
19 clergy; provided that the person functions only within
20 the person's capacities as a member of the clergy; and



1 provided further that the person does not purport to
2 be a social worker;

3 (7) Any person who is obtaining supervised clinical
4 experience for licensure as a psychologist, marriage
5 and family therapist, or as another licensed
6 professional; provided that the person's title
7 indicates a trainee status; and provided further that
8 the person does not purport to be a social worker; and

9 (8) Any person in the process of obtaining three thousand
10 hours of post masters clinical social work experience
11 under the supervision of a licensed clinical social
12 worker or individual identified in section [~~467E-~~
13 ~~7(3)(C)(ii)] 467E-7(a)(3)(C)(ii) in order to qualify
14 for a license as a licensed clinical social worker;
15 and provided that the person calls oneself a clinical
16 social work intern and is supervised while performing
17 clinical diagnosis and psychotherapy."~~

18 SECTION 32. Section 467E-7, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "~~§467E-7~~ Licensing requirements[-]; services reimbursable.

21 (a) Every applicant for a license as a social worker shall



1 submit evidence satisfactory to the director that the applicant
2 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~~] the election, it
6 is incumbent upon the applicant to review the
7 laws and rules of other jurisdictions to
8 determine the impact, if any, that electronic
9 supervision may have on license by endorsement in
10 other states.

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



1 SECTION 33. Section 571-46.4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Subject to subsection (c), a person may be appointed
4 as a child custody evaluator for purposes of section 571-46 if
5 the person is actively licensed as a:

6 (1) Marriage and family therapist under chapter 451J;

7 (2) Physician under chapter 453 and is a board certified
8 psychiatrist or has completed a residency in
9 psychiatry;

10 (3) Psychologist under chapter 465; or

11 (4) Clinical social worker under section [~~467E-7(3).~~]
12 467E-7(a)(3)."

13 PART VI

14 SECTION 34. There is appropriated out of the compliance
15 resolution fund the sum of \$148,406 or so much thereof as may be
16 necessary for fiscal year 2024-2025 as follows:

17 (1) \$73,406 to establish, recruit, and hire one full-time
18 equivalent (1.0 FTE) office assistant V position to
19 process new license applications established by this
20 Act; and



1 (2) \$75,000 to make appropriate updates to the
2 professional and vocational licensing division's
3 internal databases to create new license types
4 established by this Act and associated requirements.

5 The sum appropriated shall be expended by the department of
6 commerce and consumer affairs for the purposes of this Act.

7 SECTION 35. Fees assessed pursuant to the new categories
8 of provisional or associate-level licenses established by parts
9 II, III, and IV of this Act shall be used to defray costs
10 incurred by the department of commerce and consumer affairs to
11 support the operations of the marriage and family therapist
12 licensing program and mental health counselors licensing program
13 and the regulation of psychologists by the board of psychology.
14 Fees collected shall be managed in accordance with section
15 26-9(1), Hawaii Revised Statutes.

16 PART VII

17 SECTION 36. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the




1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 37. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 38. This Act shall take effect on July 1, 2024;
6 provided that:

- 7 (1) Any provision in this Act authorizing insurance
8 reimbursement for services provided to medicaid
9 enrollees shall be subject to approval by the Centers
10 for Medicare and Medicaid Services; and
11 (2) Parts II, III, IV, and V shall take effect on July 1,
12 2026.

APPROVED this 27th day of June , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 1830, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives




Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate