

A Bill for an Act Relating to Certification of Psychologists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Revised Laws of Hawaii 1955 are amended by adding thereto a new chapter to be designated and to read as follows:

**“CHAPTER 169A
PSYCHOLOGISTS**

Sec. 169A-1. Definitions. As used in this chapter:

(a) “Board” means the board of certification for practicing certified psychologists.

(b) “Director” means the director of regulatory agencies.

(c) “Application fee”, “renewal fee”, “temporary permit fee” and “examination fee” mean the fees in the schedule set forth in section 169A-12.

Sec. 169A-2. Certification required. Except as otherwise provided in this chapter, no person shall represent himself to be a certified psychologist without having first obtained a certificate as provided in this chapter. A person represents himself to be a certified psychologist when he offers services as a certified psychologist including psycho-diagnostic or psycho-therapeutic services, gratuitously or for pay, either publicly or privately.

Sec. 169A-3. Exceptions. The provisions of this chapter shall not apply to:

(a) Any person teaching, lecturing, consulting or engaging in research in psychology insofar as such activities are performed as part of or are dependent upon employment in a college or university.

(b) Any person with a doctor’s degree from an accredited institution of higher education engaged in consulting, independent research, or providing other services in related social sciences, including the disciplines of sociology, anthropology, economics, political science, education, or philosophy, provided that such person does not represent himself as a certified psychologist or offer services including psycho-diagnostic and/or psycho-therapeutic services in that capacity.

(c) Any person employed by a local, state or federal government agency whose psychologists must qualify for employment under governmental certification or under civil service regulations but only at those times when that person is carrying out the functions of such governmental employment.

(d) Any person who is a student of psychology, a psychological intern or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title such as “psychological trainee” or “psychology student” which indicates his training status.

(e) Any person who is a sociologist at any accredited institution whose extracurricular activities shall include consultant services in personnel relations.

(f) Nothing contained in this Act shall in any way restrict any person from carrying on any of the aforesaid activities, provided that he does not hold himself out to the public as a certified psychologist, offering services, including psycho-diagnosis and/or psycho-therapy as a certified psychologist.

(g) Nothing in this Act shall be construed as permitting the administration or prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of Hawaii.

Sec. 169A-4. Board of certification for practicing psychologists; appointment, qualifications, term, expenses. There is created a board of certification for practicing psychologists, within the department of regulatory agencies for administrative purposes, consisting of seven members. In accordance with the provisions of section 14A-3, the governor shall appoint, with the advice and consent of the senate, five members representing varied specialties of the profession from persons who would qualify for certification under the provisions of this Act and two lay members from the community at large. The terms of the board will be overlapping. Two psychologists and one lay member will be appointed for three years, two psychologists and one lay member will be appointed for two years, and one psychologist will be appointed for one year. The board shall elect one of its members to serve as chairman.

Members shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in the performance of official duties on islands other than on the island of their residence.

Sec. 169A-5. Meetings; quorum. The first meeting of the board shall be held within thirty days after the appointment of the board at a time and place designated by the governor. Thereafter the board shall meet at least once a year and as many other times as the board may deem necessary to discharge its duties. Four members of the board shall constitute a quorum.

Sec. 169A-6. Powers and duties. The board shall:

(a) Examine the qualifications of applicants for certification under this chapter to determine their eligibility for certification as a certified psychologist and forward to the director the names of applicants who are eligible for such certification no later than 90 days after date of application.

(b) Prepare, administer and grade such examinations and tests for applicants as may be required for the purposes of this chapter. The board shall determine the scope and length of such examinations and tests, whether they shall be oral, written or both and the score that shall be deemed a passing score. Examinations must be scheduled at least once annually.

(c) Keep a record of action taken on all applicants for certification; the names of all persons certified; petitions for temporary certificates; actions involving suspension, revocation or denial of certification; recommendations for reciprocity and receipt and disbursal of any moneys. The board shall report annually in writing to the governor concerning all the official acts of the previous year.

(d) Promulgate, amend and repeal pursuant to the provisions of chap-

ter 6C, such rules and regulations as it may deem proper for the purposes of this chapter.

Sec. 169A-7. Requirements for certification. Every applicant for a certificate as a certified psychologist shall submit evidence satisfactory to the board that he meets the requirements as set forth in subparagraphs (a), and (b) or (c) or (d), and (e) of this section:

(a) He is of good moral character.

(b) He holds a doctoral degree from an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board.

(c) He holds a master's degree from an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board and has practiced psychology for a period of two years, or its equivalent in part-time practice, at least one year of which shall have been in the State prior to the date of application; provided he has not previously failed to pass an examination in psychology prescribed by the board or been denied a certificate or had his certificate suspended or revoked by the board; and provided he applies for a certificate within one year from the effective date of this chapter.

(d) Any person who holds a diplomate certificate in good standing granted by the American Board of Examiners in Professional Psychology.

(e) He passes such examination as may be prescribed by the board.

Sec. 169A-8. Certificates, issuance, display. Upon the board forwarding to the director the name of each applicant who is entitled to a certificate under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each such applicant a certificate authorizing him to use the title "certified psychologist" for a period of one year. Said certificate shall be in such form as the director shall determine. A certified psychologist shall display his certificate in a conspicuous place in his principal place of business.

Sec. 169A-9. Temporary permit. A person not certified in the State who wishes to use the title "certified psychologist" for a period not to exceed ninety days within a calendar year shall petition the board for a temporary permit. If such person is licensed or certified in another state deemed by the board to have standards equivalent to the provisions of this chapter, he shall be entitled to a temporary permit in the same manner and subject to the same conditions specified in section 169A-8 applicable to the issuance of certificates. The period of ninety days may be extended at the discretion of the board but not to exceed 90 days.

Sec. 169A-10. Reciprocity. The board may recommend certification without written or oral examination of an applicant who has not previously failed to pass an examination in psychology prescribed by the board and who submits evidence satisfactory to the board that:

(a) He holds a doctoral degree from an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board; and

(b) He is certified or licensed to practice psychology in another state deemed by the board to have standards equivalent to the provisions of this chapter; or

(c) He is a diplomate in good standing of the American Board of Examiners in Professional Psychology.

The director shall issue a certificate under this section in the same manner and subject to the same conditions specified in section 169A-8.

Sec. 169A-11. Renewals. Every certificate issued under the provisions of this chapter shall be valid for the period July 1 through June 30 and shall be renewed annually. Failure to renew a certificate shall suspend such certificate; provided that a psychologist whose certificate has been suspended for failure to renew may reinstate such certificate by payment of the renewal fee for the year in which such failure occurred, and provided that the period of suspension is not greater than one year. If certification has lapsed for more than one year, the person may re-apply for a certificate in the manner prescribed in the previous sections of this Act.

Sec. 169A-12. Fees; disposition. The fees required by this chapter, none of which is refundable, shall be as follows:

- (a) Application fee\$10.00
- (b) Examination fee 25.00
- (c) Certificate fee 15.00
- (d) Renewal fee 15.00
- (e) Temporary permit fee 15.00

All fees shall be paid to the director and shall be deposited by him with the director of finance to the credit of the general fund.

Sec. 169A-13. Denial, suspension, revocation of certificate. The board shall refuse to grant a certificate to any applicant and may revoke or suspend any certificate upon any of the following grounds:

- (a) Conviction of crime involving moral turpitude;
- (b) Habitual use of narcotic drugs or any other substance which impairs the intellect and judgment to such an extent as to incapacitate the applicant or certificate holder for the practice of psychology;
- (c) Habitual drunkenness;
- (d) Violation of the provisions of this Act; or
- (e) Any unethical practice of psychology as defined by the board in accordance with its own rules and regulations.

Sec. 169A-14. Procedure. All proceedings for denial, suspension or revocation of a certificate or permit on any ground specified in section 169A-13 shall be pursuant to the provisions of chapter 6C, including the right of judicial review.

Section 169A-15. Prohibited acts; penalties. No person shall:

- (a) Use in connection with his name any designation tending to imply that he is a certified psychologist unless he is duly certified and authorized under the provisions of this chapter.
- (b) Represent himself as a certified psychologist during the time his

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certificate issued under the provisions of this chapter is suspended or revoked; or

(c) Otherwise violate any of the provisions of this Act.

Any person who violates the provisions of this Act shall be fined not more than \$500 or imprisoned not more than one year, or both.”

SECTION 2. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 3. Effective date. This Act shall take effect upon its approval.

(Approved June 8, 1967.)