

ACT 95

S.B. NO. 711

A Bill for an Act Relating to Practicing Psychologists.

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

SECTION 1. Section 465-3, Hawaii Revised Statutes, is amended to read as follows:

“§465-3 **Exceptions.** (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;
- (2) Any person who performs any, or any combination, of the professional services described in section 465-1(5) under the direction of a person who is qualified under this chapter;

- (3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under government [certification] licensing or under civil service regulations but only at those times when that person is carrying out the functions of such governmental employment;
- (4) 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] their training status; or
- (5) Any person who holds a license to practice medicine and surgery in the State.

(b) Nothing in this chapter shall in any way restrict any person from carrying on any of the activities in subsection (a), provided that such person does not offer psychological services as defined in this chapter except as such activities are incidental to his lawful occupational purpose.

(c) A person may use the title of industrial/organizational psychologist, provided that the person registers with the board, and:

- (1) Is professionally competent in the practice of industrial/organizational psychology;
- (2) Holds a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology, satisfactory to the board;

and does not engage in the practice of psychology as defined in section 465-1(5).

[(c)] (d) Nothing in this chapter shall be construed as permitting the administration of prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of the State.”

SECTION 2. Section 465-7, Hawaii Revised Statutes, is amended to read as follows:

“**§465-7 Requirements for [certification.] licensing.** Every applicant for a [certificate] license as a psychologist shall submit evidence satisfactory to the board [of certification for practicing psychologists] that [he] the applicant [meets the requirements set forth in paragraphs (1) and (2) or (3) and (4) of this section]:

- (1) [He is of good moral character.] Is professionally competent and has demonstrated knowledge in the practice of psychology.
- (2) [He holds] 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.
- (3) [Any person who holds] Holds a diplomate certificate in good standing granted by the American Board of Examiners in Professional Psychology.
- (4) [He passes such] Has passed an examination as may be prescribed by the board.”

SECTION 3. Section 465-8, Hawaii Revised Statutes, is amended to read as follows:

“**§465-8 [Certificates,] Licenses, issuance, display.** Upon the board of certification for practicing psychologists forwarding to the director the name of each applicant who is entitled to a [certificate] license under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each [such] applicant a [certificate] license authorizing [him] the applicant to engage in the practice of psychology for a period of two years. The [certificate] license shall be in [such] the form as the director shall determine. A [certified] licensed psychologist shall display [his] the [certificate] license in a conspicuous place in [his] the psychologist's principal place of business.”

SECTION 4. Section 465-10, Hawaii Revised Statutes, is amended to read as follows:

“**§465-10 Reciprocity.** The board of certification for practicing psychologists may recommend [certification] licensing 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 the applicant:

- (1) [He holds] 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
- (2) [He is] Is certified or licensed to practice psychology in another state deemed by the board to have standards equivalent to this chapter; or
- (3) [He is] Is a diplomate in good standing of the American Board of Examiners in Professional Psychology.

The director of [regulatory agencies] commerce and consumer affairs shall issue a [certificate] license under this section in the same manner and subject to the same conditions specified in section 465-8.”

SECTION 5. Section 465-11, Hawaii Revised Statutes, is amended to read as follows:

“**§465-11 Renewals.** Every [certificate] license issued under this chapter shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a [certificate] license shall suspend the [certificate] license; provided that a psychologist whose [certificate] license has been suspended for failure to renew may reinstate the [certificate] license by payment of the renewal fee for the biennium in which the failure occurred, and provided that the period of suspension is not greater than one year. If [certification] licensing has lapsed for more than one year, the person may reapply for a [certificate] license in the manner prescribed in the previous sections of this chapter.”

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

“**§465-13 Denial, suspension, revocation of [certificate.] license, or probation of a license holder.** The board of certification for practicing psychologists shall refuse to grant a [certificate] license to any applicant and may revoke or suspend any certificate, or may place a license, or may put a license holder on conditional probation, upon any of the following grounds:

- (1) Professional misconduct or gross carelessness or manifest incapacity in the practice of psychology;
- (2) 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] license holder for the practice of psychology;
- (3) Habitual drunkenness;
- (4) Violation of this chapter[;] by the applicant within one year of the application, or violation of this chapter by a license holder any time the license is valid;
- (5) Any unethical practice of psychology as defined by the board in accordance with its own rules [and regulations].”

SECTION 7. Section 465-15, Hawaii Revised Statutes, is amended to read as follows:

“**§465-15 Prohibited acts; penalties.** No person shall:

- (1) Use in connection with [his] the person’s name any designation tending to imply that [he] the person is a [certified] licensed psychologist unless [he] the person is duly [certified] licensed and authorized under this chapter.
 - (2) Represent [himself] oneself as a [certified] licensed psychologist during the time [his certificate] the person’s license issued under this chapter is suspended or revoked; [or]
 - (3) Advertise or make a representation, either publicly or privately, as being a psychologist, licensed or otherwise, or as being able to perform professional services described in section 465-1(5), except as otherwise provided in this chapter, without having a valid unrevoked license or temporary permit issued by the director.
- [(3)] (4) Otherwise violate this chapter.

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

SECTION 8. Section 465-14.5, Hawaii Revised Statutes, is repealed.

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 10. This Act shall take effect upon its approval.

(Approved May 21, 1983.)

Note

1. Edited pursuant to HRS §23G-16.5.