

ACT 125

H.B. NO. 3310

A Bill for an Act Relating to Psychologists.

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

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

“§465-1 Definitions. As used in this chapter, unless the context otherwise requires:

“Board” means the board of psychology.

“Director” means the director of commerce and consumer affairs.

“Institution of higher education” means a university, professional school, or other institution of higher learning that:

- (1) In the United States, is regionally accredited by bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education;
- (2) In Canada, holds a membership in the Association of Universities and Colleges of Canada; or
- (3) In other countries, is accredited by the respective official organization having such authority.

“Licensed” means the authority to engage in the autonomous practice of psychology. The terms certified, registered, chartered, or any other term chosen by a jurisdiction used in the same capacity as licensed are considered equivalent terms.

“Practice of psychology” means the [performance of any professional service which consists of and requires the application of psychological principles, theories, techniques, and instruments for the purpose of assessment, diagnosis, and treatment of behavioral, emotional, mental, or behavioral health problems or disorders as defined by a diagnostic manual acceptable to the board and defined in its rules; and for the purpose of the assessment, diagnosis, and rehabilitation of organic brain syndromes.] observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to

whether payment is received for services rendered.

"Professional psychology training program" means a doctoral training program that includes (1) and (2), or (1) and (3) of the following:

- (1) Is a planned program of study which reflects an integration of the science and practice of psychology including practica and internship; and
- (2) Is designated as a doctoral program in psychology by the Association of State and Provincial Psychology Boards and the National Register of Health Service Providers in Psychology or is accredited by the American Psychological Association or the Canadian Psychological Association; or
- (3) Is offered in a regionally accredited institution of higher education.

"Psychologist" means a person who offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology. A person represents to be a psychologist if [that] the person uses any title or description of services incorporating the words "psychology," "psychological," [or] "psychologist"[.], or "psychotherapy," or if the person offers or renders to individuals or to groups of individuals services defined as the practice of psychology.

"Regionally accredited institution" means an institution of higher education accredited by the bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education."

SECTION 2. Section 465-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology [as defined in section 465-1] outside the responsibilities of the person's employment;
- (2) Any person who performs any, or any combination of the professional services defined as the practice of psychology [in section 465-1] under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;
- (3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government employment; [or]
- (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 as "psychology trainee", "psychology student", "psychology intern", or "psychology resident", [which] that indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology[.];

- (5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render services within the scope of practice as defined in the statutes regulating the person's professional practice; provided that the person does not represent the person's self to be a psychologist or licensed to practice psychology, as defined in this chapter;
- (6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person's professional capacities; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological; or
- (7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological."

SECTION 3. Section 465-7, Hawaii Revised Statutes, is amended to read as follows:

**"§465-7 Requirements for licensing.** (a) Every applicant for a license as a psychologist shall submit evidence satisfactory to the board that the applicant meets the following requirements [set forth in paragraph (1) and paragraph (2) or (3), and paragraph (4)]:

- (1) [Is professionally competent and has demonstrated knowledge in the practice of psychology.] The applicant for licensure shall possess a doctoral degree from a professional psychology training program, awarded by an institution of higher education, or from a regionally accredited institution;
- (2) [Holds a doctoral degree from a training program approved by the American Psychological Association (APA) or holds a doctoral degree from a regionally accredited institution of higher education, and also meets the experiential requirement of] The applicant for licensure shall demonstrate that the applicant has completed two years of supervised experience [(equivalent to three thousand eight hundred hours)] in health service in psychology, of which at least one year [(equivalent to one thousand nine hundred hours)] is an internship or residency program in an organized health service training program, and one year [(equivalent to one thousand nine hundred hours)] is post doctoral[.]; and
- [(3) Holds a diplomate certificate in good standing granted by the American Board of Professional Psychology.
- (4) Has] (3) The applicant for licensure has passed an examination as may be prescribed by the board.

(b) Notwithstanding subsection (a), a license may be issued to an applicant who holds a diplomate certificate in good standing granted by the American Board of Professional Psychology.

(c) A license may be issued to a senior psychologist who satisfies subsection (a)(1) and (2), and the following:

- (1) Holds a valid and current license in another jurisdiction in which the Examination for Professional Practice in Psychology was not required for licensure at the time of licensure;

- (2) Before application in this jurisdiction, has been licensed as a psychologist for at least twenty years in a United States or Canadian jurisdiction where that license was based on a doctoral degree;
- (3) Has had no disciplinary sanction against the person's license in any jurisdiction during the entire period of being licensed as a psychologist;
- (4) Has passed this jurisdiction's examination in jurisprudence; and
- (5) Has submitted the application and fees as required."

SECTION 4. Section 465-7.5, Hawaii Revised Statutes, is amended to read as follows:

"[**§465-7.5**] **Foreign graduates.** [Applicants for licensing whose applications are based on graduation from a foreign university shall submit evidence satisfactory to the board to establish that their formal education is equivalent to a doctoral degree in psychology granted by a United States university that is regionally accredited.] An applicant trained in an institution other than an institution of higher education as defined in this chapter must demonstrate to the satisfaction of the board that the applicant possesses a doctoral degree in psychology, the requirements for which are substantially similar to the requirements for a doctoral degree in professional psychology as required in this chapter. The board shall consider the certification of the graduate division of the University of Hawaii that the degree from the foreign university is equivalent to a doctoral degree granted from [a regionally accredited institution.] an institution of higher education as defined in this chapter."

SECTION 5. Section 465-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other actions authorized by law, the board shall refuse to grant a license to any applicant and may revoke or suspend any license, or may place a license, or may put a license holder on conditional probation, for any cause authorized by law, including but not limited to the following:

- (1) Professional misconduct, gross carelessness, manifest incapacity, or incompetency in the practice of psychology;
- (2) 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;
- (3) Any unethical practice of psychology as defined by the board in accordance with its own rules;
- (4) Fraud or deception in applying for or procuring a license to practice psychology as defined in section 465-1;
- (5) Conviction of a crime substantially related to the qualifications, functions, or duties of psychologists;
- (6) Wilful unauthorized communication of information received in professional confidence;
- (7) The suspension, revocation, or imposition of probationary conditions by another state of a license or certificate to practice psychology issued by that state if the act for which the disciplinary action was taken constitutes a violation of this chapter;
- (8) The commission of any dishonest, corrupt, or fraudulent act or any act of sexual abuse, or sexual relations with a client, or sexual

- misconduct [which] that is substantially related to the qualifications, functions, or duties of a psychologist;
- (9) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
  - (10) Exercising undue influence in the manner as to exploit the client [or], patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
  - (11) Conviction of fraud in filing medicaid claims or conviction of fraud in filing claims to any third party payor, for which a copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;
  - (12) Aiding or abetting any unlicensed person to engage in the practice of psychology;
  - (13) Repeated acts of excessive treatment or use of diagnostic procedures as determined by the standard of the local community of licensees; [or]
  - (14) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, or excessive use of any substance, or as a result of any mental or physical condition[.];
  - (15) Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;
  - (16) Use of untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment;
  - (17) Functioning outside of the licensee's professional competence established by education, training, and experience;
  - (18) Refusal to comply with any written order of the board;
  - (19) Making any fraudulent or untrue statement to the board; or
  - (20) Violation of a board rule."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 8, 1994.)