

## ACT 14

S.B. NO. 2297

A Bill for an Act Relating to Mental Health Counselors.

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

SECTION 1. Section 453D-1, Hawaii Revised Statutes, is amended by amending the definition of “practice of mental health counseling” to read as follows:

““Practice of mental health counseling” means the rendering of professional counseling services based on specialized education, training, and experience to individuals, families, or groups for compensation, monetary or otherwise. These professional counseling services include applying the respective principles, methods, and theories of counseling, human development, learning theory, group and family dynamics, rehabilitation, and the etiology of mental illness and dysfunctional behavior [to define], and defining goals and [develop] developing a treatment plan of action aimed toward the prevention, treatment, and resolution of mental and emotional dysfunction and intra or interpersonal disorders to all persons irrespective of diagnosis. “Practice of mental health counseling” includes but is not limited to:

- (1) The assessment, diagnosis, and treatment of, and counseling for, mental and emotional disorders;
- (2) The assessment, diagnosis, and treatment of, and counseling for, substance abuse and conduct disorders defined in the approved diagnostic and statistical manual for mental disorders;
- (3) The application of educational techniques aimed at the prevention of these disorders; and
- (4) The provision of consultative services to individuals, couples, families, groups, organizations, and communities.”

SECTION 2. Section 453D-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[(a)]~~**§453D-6 Exemptions.** (a) This chapter shall not apply to:

- (1) A person doing work within the duties of the person’s profession that overlaps with the practice of mental health counseling; provided that no such person shall use a title stating or implying that the person is a “licensed mental health counselor” or “mental health [~~counselor~~], counselor,” or describe or refer to the person’s services as mental health counseling;
- (2) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person’s capacity as a member of the clergy; and provided further that the person does not represent the person to be a “licensed mental health counselor” or “mental health [~~counselor~~], counselor,” or describe or refer to the person’s services as mental health counseling;
- (3) Any student enrolled in an accredited educational institution in a recognized program of study leading ~~[toward]~~ towards attainment of a graduate degree in mental health counseling or other professional field; provided that the student’s activities and services are part of a prescribed course of study supervised by the accredited educational institution and the student is identified by an appropriate title, including but not limited to “mental health counseling student” or “trainee”, “clinical psychology student” or [~~“trainee”~~], “trainee,” “social work

student” or [~~“trainee”~~], “trainee,” “marriage and family counseling student” or [~~“trainee”~~], “trainee,” or any title that clearly indicates training status;

- (4) Any individual who uses the title of “mental health counselor intern” for the purpose of obtaining clinical experience in accordance with section 453D-7(a)(3);
- (5) Any person employed by a federal, state, or county government agency in a counseling position, but only at those times when the employee is carrying out the duties and responsibilities as a counselor in governmental employment; or
- (6) Any person who is obtaining supervised clinical experience for licensure as a psychologist, social worker, marriage and family therapist, or as another licensed professional; provided that the person’s title indicates a trainee or intern status; and provided further that the person does not purport to be a “licensed mental health counselor” or “mental health counselor”.

(b) Nothing in this chapter shall be construed to prevent qualified members of other licensed professions as defined by any law or rule of the department, including but not limited to social workers, registered nurses, psychologists, marriage and family therapists, or physicians, from providing mental health counseling or advertising that they provide mental health counseling to individuals, couples, or families consistent with the accepted standards of their respective licensed professions; provided that no such persons shall use a title stating or implying that they are licensed mental health counselors unless the persons are licensed pursuant to this chapter.

(c) Nothing in this chapter shall be construed to supersede the regulation of registered rehabilitation specialists from the department of labor and industrial relations. Further, no registered rehabilitation specialist shall use a title stating or implying that the registered rehabilitation specialist is a licensed mental health counselor unless the person is licensed pursuant to this chapter.”

SECTION 3. Section 453D-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person who applies to the department after July 1, 2005, 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) 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 in the following course areas, with a minimum of three semester hours in each course area as indicated below:
  - (A) Human growth and development, including but not limited to the study of life span development, strategies to facilitate that development and transitions, theories of learning and personality development, and human behavior to include crisis, disabilities, addictive behavior, and environmental factors;
  - (B) Social and cultural foundations, including but not limited to the study of issues and trends in a multicultural and diverse society, including characteristics of diverse groups that may include but are not limited to age, race, religious or sexual preference, physi-

- cal disability, ethnicity and culture, gender, socioeconomics, intellectual ability, and individual, family, and group strategies with diverse populations;
- (C) Counseling theories and applications, including but not limited to counseling and consultation, including both individual and systems perspectives, interviewing, assessment, and counseling skills, as well as applying principles, methods, and theories of counseling, treatment and counseling of mental and emotional disorders, and educational techniques aimed at preventing such disorders with individuals and families;
  - (D) Group theory and practice, including but not limited to principles of group dynamics, group process, group leadership styles, theories and methods of group counseling, and the application of theory to the group processes;
  - (E) Career and lifestyle development, including but not limited to the study of vocational development theories and decisionmaking models, assessment instruments, and techniques, types, sources, and uses of occupational and educational information systems, career development applications, and career counseling processes, techniques, and resources;
  - (F) Appraisal of human behavior, including but not limited to assessment and diagnosis [ø] of disorders with an emphasis on DSM-IV categories, and an understanding of these disorders relative to the counseling context;
  - (G) Tests and measurements, including but not limited to theoretical and historical bases for assessment techniques, assessment methods, including analysis of various types of tests in order to select, administer, interpret, and use assessment and evaluation instruments and techniques in counseling;
  - (H) Research and program evaluation, including but not limited to research design and methods, statistical analysis, principles, practices, and application of needs assessment, and program evaluation; and
  - (I) Professional orientation and ethics, including but not limited to the history of the helping profession, professional roles and functions, ethical standards, confidentiality, professional organizations, and the public policy process, including advocacy on behalf of the profession and its clientele;
- (2) At least two academic terms of supervised mental health practicum intern experience for graduate credit of at least three semester hours or five quarter hours per academic term in a mental health counseling setting with three hundred hours of supervised client contact; the practicum experience shall be completed under the clinical supervision of a person who is licensed as a mental health counselor, psychologist, clinical social worker, advanced practice registered nurse with a specialty in mental health, marriage and family therapist, or physician with a specialty in psychiatry;
- (3) Completion [H]of[H] three thousand hours of post-graduate [~~direct counseling work~~] experience in the practice of mental health counseling with one hundred hours of face-to-face clinical supervision [within a two-year period; and] which shall be completed in no less than two years and in no more than four years, under the clinical supervision of a person who is a licensed mental health counselor, psychologist, clinical social worker, advanced practice registered nurse with a specialty in

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- mental health, marriage and family therapist, or physician with a specialty in psychiatry; and
- (4) Passed the National Counselor Examination for Licensure and Certification.”

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

SECTION 5. This Act shall take effect upon its approval.

(Approved April 24, 2006.)