

ACT 63

S.B. NO. 2877

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-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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”, 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”, 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 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”, “social work student” or “trainee”, “marriage and family counseling student” or “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);~~ section 453D-7(a)(2);
- (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”.”

SECTION 2. Section 453D-7, Hawaii Revised Statutes, is amended to read as follows:

“§453D-7 Application for licensure as a mental health counselor. (a)

An applicant 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] Receipt of 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 or five quarter 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, physical 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]~~ these 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 decision-making 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 of disorders with an emphasis on ~~[DSM-IV]~~ DSM 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, and assessment methods, including analysis of various types of tests 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; and
 - (J) At least two academic terms of supervised mental health practicum intern experience for graduate credit of at least six semester hours or ten quarter hours in a mental health counseling setting, with a total of 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;
- ~~[(2) At least two academic terms of supervised mental health practicum intern experience for graduate credit of at least six semester hours or ten quarter hours 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) (2) Completion of not less than three thousand hours of post-graduate experience in the practice of mental health counseling, with one hundred hours of face-to-face clinical supervision that 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 mental health, marriage and family therapist, or physician with a specialty in psychiatry[; and]. In collaboration with the supervisor, the applicant may elect to fulfill some or all of the supervision requirements through face-to-face supervision that is conducted electronically through a videoconference service that complies with all federal and state privacy, security, and confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996; provided that the applicant shall review the laws and rules of other jurisdictions to determine the impact, if any, that electronic supervision may have on licensure by endorsement or reciprocity in other states prior to electing electronic supervision; and
 - ~~[(4) Passed]~~ (3) Passage of the National Counselor Examination for Licensure and Certification.
 - (b) An individual ~~who~~ shall be deemed to have met the requirements of this section if the individual:

- (1) Holds current, unencumbered certification as a national certified counselor or a national certified rehabilitation counselor prior to the effective date of this chapter;
 - (2) Has passed the National Counselor Examination for Licensure and Certification, National Clinical Mental Health Counselors Examination of the National Board for Certified Counselors, or Commission on Rehabilitation Counselor Certification examination after January 1, 2000, and before July 1, 2005; and
 - (3) Within one year of the effective date of this chapter, applies for licensure and pays the applicable license fee~~[- shall be deemed to have met the requirements of this section]~~.
- (c) For an applicant who graduated from an accredited educational institution as specified in subsection (a)(1) before July 1, 2007, the department shall also deem acceptable:
- (1) For practicum intern experience, written certification from an official of the institution of higher education attesting that the applicant has completed the academic terms, graduate credit hours, and supervised client contact hours in subsection ~~[(a)(2)]~~ (a)(1)(J) and that the applicant's practicum intern experience is equivalent to a mental health graduate level practicum program; and
 - (2) For post-graduate experience, written certification from an officer and the clinical supervisor of the agency at which the applicant has earned experience attesting that the applicant has completed the hours of experience and supervision in subsection ~~[(a)(3)]~~ (a)(2), within the time frame set forth in that subsection, and that the applicant's post-graduate experience is equivalent to the practice of mental health counseling.

The license requirements for clinical supervisors under subsections ~~[(a)(2)]~~ (a)(1)(J) and ~~[(a)(3)]~~ (a)(2) shall not apply to this subsection."

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

SECTION 4. This Act shall take effect upon its approval.

(Approved September 15, 2020.)