

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1290

July 1, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

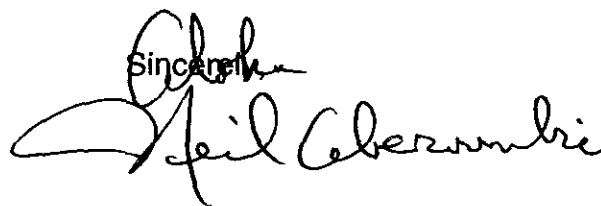
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 1, 2014, the following bill was signed into law:

SB2465 SD2 HD2

RELATING TO CONTINUING EDUCATION FOR
PSYCHOLOGISTS
ACT 187 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO CONTINUING EDUCATION FOR PSYCHOLOGISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in 1967, Hawaii
2 established regulation of the profession of psychology.
3 However, unlike most other licensed professions, continuing
4 education credits are not currently required for psychologists
5 in the State to renew their licenses. The legislature also
6 finds that psychologists provide critically needed services in
7 prevention, intervention, and treatment to a broad spectrum of
8 clients so it is essential that psychologists maintain their
9 professional competency and keep abreast of the latest
10 developments in their profession.

11 The purpose of this Act is to require psychologists in the
12 State, beginning July 1, 2016, to complete a minimum of eighteen
13 credit hours of continuing education courses for each licensing
14 renewal biennium.

15 SECTION 2. Section 465-1, Hawaii Revised Statutes, is
16 amended by adding two new definitions to be appropriately
17 inserted and to read as follows:



1 "Continuing education" means courses approved by the
2 American Psychological Association, the Hawaii Psychological
3 Association, or other state or provincial psychological
4 associations.

5 "Credit hour" means, except as otherwise provided, the
6 value assigned to fifty minutes of instruction."

7 SECTION 3. Section 465-11, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§465-11 Renewals[~~-~~]; continuing education requirement.

10 (a) Every license issued under this chapter shall be renewed
11 biennially on or before June 30 of each even-numbered year.
12 Failure to renew a license shall [~~suspend~~] result in forfeiture
13 of the license; provided that a psychologist whose license has
14 been [~~suspended~~] forfeited for one year or less for failure to
15 renew may [~~reinstate~~] restore the license by payment of the
16 renewal fee and, in the case of a psychologist who is audited,
17 pursuant to subsection (g), submission of documentation of
18 continuing education compliance, for the biennium in which the
19 failure occurred[~~, and provided that the period of suspension is~~
20 not greater than one year]. If licensing has lapsed for more
21 than one year, the person may reapply for a license in the
22 manner prescribed in [~~the previous sections of~~] this chapter.



1 (b) A psychologist in good standing who will not be
2 practicing in the State for at least one year may petition the
3 board to have the psychologist's license placed on inactive
4 status without penalty. When the psychologist wishes to return
5 to practice, an application shall be made to the board for
6 ~~[reinstatement]~~ reactivation upon payment of the license fee for
7 the biennial period and subject to the board's review of the
8 application as provided in its rules.

9 (c) Beginning with the July 1, 2016, through June 30,
10 2018, biennium period and prior to every biennial renewal
11 thereafter, each licensee shall:

12 (1) Pay all required fees; and

13 (2) Complete a minimum of eighteen credit hours of
14 continuing education within every licensing biennium.

15 (d) First-time licensees shall not be subject to the
16 continuing education requirement established under subsection
17 (c)(2) for the first license renewal.

18 (e) Each licensee shall be responsible for maintaining the
19 licensee's continuing education records. At the time of
20 renewal, each licensee shall certify under oath that the
21 licensee has complied with the continuing education requirement
22 of this section. The board may require a licensee to submit



1 evidence satisfactory to the board that demonstrates compliance
2 with the continuing education requirement.

3 (f) Any licensee seeking renewal of a license without full
4 compliance with the continuing education requirement shall
5 submit with the renewal application the required fee, a
6 notarized affidavit setting forth the facts explaining the
7 reasons for noncompliance, and a request for an extension on the
8 basis of the facts; provided that the licensee shall complete at
9 least thirty-six hours of continuing education for the next
10 licensing biennium. The board shall consider each case on an
11 individual basis and may grant an extension based on:

12 (1) Practice in an isolated geographical area with an
13 absence of opportunities for continuing education by
14 taped programs or otherwise; or

15 (2) Inability to devote sufficient hours to continuing
16 education because of incapacity, undue hardship, or
17 any other serious extenuating circumstances.

18 (g) The board may conduct random audits of licensees to
19 determine compliance with the continuing education requirement.
20 The board shall provide written notice of an audit to a licensee
21 randomly selected for audit. Within sixty days of notification,
22 the licensee shall provide the board with documentation



1 verifying compliance with the continuing education requirement
2 established by this section."

3 SECTION 4. Section 465-13, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

10 (1) Professional misconduct, gross carelessness, manifest
11 incapacity, or incompetency in the practice of
12 psychology;

13 (2) Violation of this chapter by the applicant within one
14 year of the application, or violation of this chapter
15 by a license holder any time the license is valid;

16 (3) Any unethical practice of psychology as defined by the
17 board in accordance with its own rules;

18 (4) Fraud or deception in applying for or procuring a
19 license to practice psychology as defined in section
20 465-1;

21 (5) Conviction of a crime substantially related to the
22 qualifications, functions, or duties of psychologists;



- 1 (6) Wilful unauthorized communication of information
2 received in professional confidence;
- 3 (7) The suspension, revocation, or imposition of
4 probationary conditions by another state of a license
5 or certificate to practice psychology issued by that
6 state if the act for which the disciplinary action was
7 taken constitutes a violation of this chapter;
- 8 (8) The commission of any dishonest, corrupt, or
9 fraudulent act or any act of sexual abuse, or sexual
10 relations with a client, or sexual misconduct that is
11 substantially related to the qualifications,
12 functions, or duties of a psychologist;
- 13 (9) Harassment, intimidation, or abuse, sexual or
14 otherwise, of a client or patient;
- 15 (10) Exercising undue influence in the manner as to exploit
16 the client, patient, student, or supervisee for
17 financial or other personal advantage to the
18 practitioner or a third party;
- 19 (11) Conviction of fraud in filing medicaid claims or
20 conviction of fraud in filing claims to any third
21 party payor, for which a copy of the record of

- 1 conviction, certified by the clerk of the court
2 entering the conviction, shall be conclusive evidence;
- 3 (12) Aiding or abetting any unlicensed person to engage in
4 the practice of psychology;
- 5 (13) Repeated acts of excessive treatment or use of
6 diagnostic procedures as determined by the standard of
7 the local community of licensees;
- 8 (14) Inability to practice psychology with reasonable skill
9 and safety to patients or clients by reason of
10 illness, inebriation, or excessive use of any
11 substance, or as a result of any mental or physical
12 condition;
- 13 (15) Conviction of any crime or offense that reflects the
14 inability of the practitioner to practice psychology
15 with due regard for the health and safety of clients
16 or patients;
- 17 (16) Use of untruthful or deceptive or improbable
18 statements concerning the licensee's qualifications or
19 the effects or results of proposed treatment;
- 20 (17) Functioning outside of the licensee's professional
21 competence established by education, training, and
22 experience;



1 (18) Refusal to comply with any written order of the board;

2 (19) Making any fraudulent or untrue statement to the

3 board[+], including a false certification of

4 compliance with the continuing education requirement

5 of section 465-11; or

6 (20) Violation of a board rule."

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2014.

APPROVED this 1 day of JUL, 2014



GOVERNOR OF THE STATE OF HAWAII