

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 98

PSYCHOLOGISTS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-98-1 Objective. This chapter is intended to clarify and implement chapter 465, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. [Eff 10/5/70; am and ren §16-98-1, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

§16-98-2 Definitions. As used in this chapter:

"AASPB" means American Association of State Psychology Boards.

"ABPP" means American Board of Professional Psychology.

"Accredited institution" means an institution of higher education which is accredited by the Middle States Association of Colleges and Secondary Schools, New England Association of Colleges and Secondary Schools, North Central Association of Colleges and Secondary Schools, Northwest Association of

Secondary Schools, Southern Association of Colleges and Secondary Schools or the Western Association of Schools and Colleges.

"Approved program" means a program in clinical psychology approved by the American Psychological Association.

"Board" means the board of psychology.

"Consultation" means the act or procedure of seeking advice or information, or exchanging views and conferring with an individual, who has no legal, administrative, and professional accountability for the services to be rendered.

"Direction" means the management, regulation, supervision, instruction, and guidance of the actions or operations of an individual. Direction shall be presumed if the person directing another individual has the legal, administrative, and professional accountability for the services to be rendered. The term does not include consultation with an individual.

"Doctoral degree" means a degree in psychology or educational psychology.

"Enrolled" means that a person is in a graduate program in psychology in an accredited institution prior to January 1, 1986, and will be receiving a doctoral degree not later than June 30, 1988.

"EPPP" means Examination for Professional Practice in Psychology.

"Experiential requirements" means 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 in an organized health service training program, and one year (equivalent to one thousand nine hundred hours) is postdoctoral. [Eff 10/5/70; am 5/26/78; am 5/20/79; am and ren §16-98-2, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

§16-98-3 Notification and filing of names, addresses, and changes. Any person holding a license or temporary permit authorizing the person to use the title "licensed psychologist" shall file the person's mailing address and the employer's name and address with the board and shall immediately notify the board in writing of any and all changes. [Eff 10/5/70; am and ren §16-98-3, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

§16-98-4 Direction of an individual. Only a licensed psychologist in the State shall be considered eligible to direct the services of an individual, and only if the licensed psychologist meets the following requirements:

- (1) Prior to the individual interacting with others, the person seeking to direct an individual:
 - (A) Shall inform the board in writing as to when the direction shall begin; and
 - (B) Shall notify the board in writing of the person's own name, address, license number, state in which granted and area of specialization, as well as the name and address of the person to be directed. The notification shall also contain the following statement: "I, _____, hereby attest that _____ is being directed by me pursuant to section 465-3(2), HRS, as defined by section 16-98-2.";
- (2) The person directing an individual shall also inform the board in writing as to when the direction is terminated;
- (3) Is responsible for the direct and continuing administrative and professional direction of the person being directed;
- (4) Is vested with administrative control over the functioning of the person being directed in order to maintain ultimate responsibility for the welfare of every client;
- (5) Has sufficient knowledge of all clients in order to plan effective service delivery procedures. The progress of the work shall be monitored through such means as will ensure that full legal and professional responsibility can be accepted by the supervisor for all services rendered. Supervisors shall also be available for emergency consultation and intervention;
- (6) Works in the same physical setting as the person being directed, unless other arrangements are approved by the board;
- (7) Informs patients of the status of the person being directed, and provides specific information as to the qualifications and functions of the person being directed;
- (8) Establishes and maintains a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised;
- (9) Does not permit the person being directed to engage in any psychological practice which cannot be performed competently by the supervisor; and
- (10) Is not in the employ of the person being directed. [Eff 5/26/78; am and ren §16-98-4, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

SUBCHAPTER 2

REQUIREMENTS

§16-98-8 Examinations. (a) No person shall be eligible for examination unless the person:

- (1) Is professionally competent and has demonstrated knowledge in the practice of psychology; and
 - (2) Holds a doctoral degree from an approved program or accredited institution with the graduate level training leading to the doctoral degree meeting the requirements of section 16-98-9.
- (b) A person who holds a doctoral degree from an accredited institution shall have completed the following supervised experience:
- (1) An internship of at least one thousand nine hundred hours of supervised professional experience in the field of psychology under the supervision of:
 - (A) A licensed psychologist or a psychologist who holds a diplomate certificate in good standing issued by the ABPP; or
 - (B) A person who holds a doctoral degree in psychology from an accredited institution who has had two years of postdoctoral experience in the work supervised; and
 - (2) Has completed at least one thousand nine hundred hours of postdoctoral experience in the field of psychology. The experience shall be under the supervision of:
 - (A) A licensed psychologist; or
 - (B) A person who holds a doctoral degree in psychology or educational psychology from an accredited institution, granted prior to 1970, and is listed in the National Register of Health Service Providers in Psychology; or
 - (C) A person who is a diplomate, by examination, of the ABPP. [Eff 10/5/70; am and ren §16-98-8, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-7)

§16-98-9 Training. (a) "Training" means graduate level training leading to the doctoral degree with the curriculum encompassing a minimum of three academic years of full-time graduate study in an approved program or an accredited institution.

(b) The graduate level training program shall require each student to demonstrate competence in each of the subject areas set forth in this section. This shall be met by including a minimum of three graduate semester hours (or the equivalent in graduate quarter hours) in each of the following subject areas:

- (1) Scientific and professional ethics and standards;
- (2) History and systems;
- (3) Research design and methodology; and
- (4) Statistics and psychometrics.

(c) The core training program shall require each student to demonstrate competence in each of the substantive content areas set forth in this subsection. This shall be met by including a minimum of six graduate semester hours (or the equivalent in graduate quarter hours) in each of the following substantive content areas:

- (1) Biological bases of behavior; physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology;
- (2) Cognitive-affective bases of behavior; learning, thinking, motivation, and emotion;
- (3) Social bases of behavior; social psychology, group processes, organizational and systems theory, and community psychology;
- (4) Individual differences; personality theory, human development, and abnormal psychology;
- (5) Psychodiagnosis and individual assessment; intellectual, personality and behavioral assessment; and
- (6) Therapy; child or adult intervention, or both.

(d) The training program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology training program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists. There shall be a clear authority and primary responsibility within the psychology training program for the core areas, as specified in subsections (a) to (c), and also for specialty areas such as experimental, social, clinical, industrial, and physiological psychology, whether or not the psychology program cuts across administrative lines. The training program shall be an organized sequence of study planned by those responsible for the training program to provide an integrated educational experience leading to the professional practice of psychology. There shall be an identifiable psychology faculty and a psychologist responsible for the program. The training program shall have an identifiable body of students who have been accepted as candidates for a doctorate degree in psychology.

(e) The training program shall require each student to fulfill an internship of at least one thousand nine hundred hours of supervised professional

experience in the field of psychology satisfactory to the board. [Eff 10/5/70; am 5/26/78; am 5/20/79; am and ren §16-98-9, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-6)

SUBCHAPTER 3

APPLICATIONS

§16-98-12 Forms and instructions. Application shall be made on the form provided by the board and shall be prepared in accord with instructions thereon. The following forms are currently in use by the board:

- (1) Application for license as psychologist;
- (2) Application for reexamination;
- (3) Application restoration; and
- (4) Application for reinstatement. [Eff 10/5/70; am and ren §16-98-12, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-7, 465-9, 465-11)

§16-98-13 Examination and licensure. (a) An application for examination and licensure may be filed by a person holding a doctoral degree from an approved program or an accredited institution; provided the person holding a doctoral degree from an accredited institution has also completed the required number of hours of internship and postdoctoral experience or holds a diplomate certificate in good standing.

(b) The application shall be filed at least seventy-five days before the examination which is regularly conducted by the board in April and October, and shall be accompanied by the application fee which shall not be refunded.

(c) The board shall determine the sufficiency of qualifications of applicants for examination and licensure. [Eff 10/5/70; am 9/7/79; am and ren §16-98-13, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-7)

§16-98-14 Reexamination. An application for reexamination shall be filed not less than seventy-five days before the examination and shall be accompanied by the examination fee. The board shall determine the sufficiency of the qualifications of applicants for admission to reexamination. [Eff 10/5/70; am 9/7/79; am and ren §16-98-14, 6/25/81; comp 12/20/85; comp 11/25/88] (Auth: §465-6) (Imp: HRS §465-6)

§16-98-15 License. An applicant for licensure, upon notification of having qualified, shall submit the license fee which shall not be refunded. [Eff 10/5/70; am and ren §16-98-15, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-8)

§16-98-16 Examination waiver or temporary permit. (a) An application for license or temporary permit may be filed at any time by a person who is certified or licensed to practice psychology in another state having standards equivalent to those set forth in subchapter 5.

(b) The application shall be accompanied by the application and examination fees, of which the application fee shall not be refunded.

(c) The board shall determine the sufficiency of qualifications of applicants for examination waiver or for temporary permit as the case may be.

(d) An applicant shall be required to appear before the board for a personal interview.

(e) Applicants who are otherwise qualified shall be required to pass an examination covering chapter 465, HRS, and the rules adopted thereunder. [Eff 10/5/70; am 6/13/74; am and ren §16-98-16, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-9, 465-10)

§16-98-17 Denial. In the event an application for license, reexamination, or temporary permit is denied, the board shall notify the applicant by letter of the board's action which shall include a concise statement of the reasons therefor and a statement informing the applicant of the right to a hearing if so desired. [Eff 10/5/70; am and ren §16-98-17, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-13)

§16-98-18 Demand for hearing. Any person whose application for license, reexamination, or temporary permit has been denied by the board shall be entitled to a hearing after notice, provided that a demand for hearing is filed with the board within sixty days of the date of mailing of the letter informing the applicant of the denial of the application. [Eff 10/5/70; am and ren §16-98-18, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-14)

§16-98-19 Proceedings upon demand for hearing. If a demand for hearing is filed within the time prescribed, the board shall order a hearing upon notice, which shall be conducted in accord with the provisions of chapter 16-201 relating

to contested cases and unless the context otherwise requires, subchapter 6. [Eff 10/5/70; am and ren §16-98-19, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-14)

§16-98-20 Restoration. A psychologist whose license has been suspended for failure to renew may restore the license by filing an application for restoration and paying the appropriate fees as provided in chapter 16-53. [Eff and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-11)

§16-98-21 Inactive Status. (a) A licensed psychologist who wishes to be placed on inactive status shall petition the board in writing and provide the following information:

- (1) Name, current address, phone number, license number, and expiration date of license;
- (2) Reason(s) and anticipated length of time on inactive status; and
- (3) Forwarding address and phone number.

(b) An application for reinstatement to active status shall be filed when the psychologist wishes to return to active practice in Hawaii and shall be subject to the board's review. The application for reinstatement shall be accompanied by the appropriate fees as provided in chapter 16-53. [Eff and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-11.5)

SUBCHAPTER 4

VALIDATION REQUIREMENTS

§16-98-23 Examination and licensure. (a) The applicant shall submit a photostat or certified copy of a doctoral degree in psychology or educational psychology and an official transcript from an approved program or an accredited institution. If the doctoral degree is not awarded to the applicant immediately upon graduation the applicant shall submit a notarized statement from the dean of the graduate division of the approved program or accredited institution from which the applicant graduated stating that the applicant is a holder of a doctoral degree in psychology or educational psychology, and the date the doctoral degree will be issued.

(b) The applicant who is a holder of a doctoral degree from an accredited institution shall submit letters signed by the supervisor under whom the applicant interned, specifying the dates of internship, hours of internship, and

whether the supervisor is a licensed psychologist, a psychologist who holds a diplomate certificate issued by the ABPP, or the holder of a doctoral degree in psychology from an accredited institution who has had two years of postdoctoral experience in the work supervised.

(c) The applicant who is a holder of a doctoral degree from an accredited institution shall also submit letters signed by the supervisor under whom the applicant completed the postdoctoral experience, specifying the dates of the postdoctoral experience, hours of postdoctoral experience, and whether the supervisor is a licensed psychologist, a psychologist who holds a doctoral degree in psychology or educational psychology from an accredited institution, granted prior to 1970 and is listed in the National Register of Health Service Providers in Psychology, or a diplomat, by examination, of the ABPP.

(d) The applicant shall submit a recent photograph showing the applicant's head and shoulders only, approximately 2 1/2" x 2 1/2" in size. [Eff 10/5/70; am and ren §16-98-23, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-7)

§16-98-24 Licensure and issuance of license. In addition to the requirements of sections 16-98-9 and 16-98-23, the applicant shall pass a written examination as provided in subchapter 5. [Eff 10/5/70; am and ren §16-98-24, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-7)

§16-98-25 Examination waiver or temporary permit. In addition to the requirements in sections 16-98-9, 16-98-16 and 16-98-23, the applicant shall submit an official statement forwarded by the authority which issued the applicant's certificate or license, attesting that the certificate or license is currently valid and was issued following the passing of the EPPP written examination as provided in subchapter 5. [Eff 10/5/70; am and ren §16-98-25, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-9, 465-10)

SUBCHAPTER 5

EXAMINATION

§16-98-29 Subject matter. (a) The board shall evaluate the eligibility of the applicant from information shown on the application. The applicant shall demonstrate to the board that the applicant's qualifications are adequate. The applicant shall appear personally before the board so that the board may have an opportunity to judge the applicant's:

- (1) Qualifications for the practice of psychology;
- (2) Integrity and ethical standards;
- (3) Resourcefulness and initiative; and
- (4) General attitude and approach to the practice of psychology.

(b) The four and one half hour EPPP written examination shall cover general psychology, general methodology, clinical psychology and behavior modification, other applications of psychology, and professional conduct, affairs, ethics, and questions covering the law and rules which specifically apply to license holders. [Eff 10/5/70; am and ren §16-98-29, 6/25/81; am and comp 12/20/85; comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

§16-98-30 Passing score. A score of not less than the national average raw score (rounded up to the nearest whole integer if a fraction is reported) of all Ph.D. candidates sitting for the examination for the first time shall be passing for the EPPP written examination. A score of not less than seventy-five percent shall be passing for the State jurisprudence examination in psychology. For examination waiver applicants, the passing score for the EPPP shall be the board's passing score at the time the applicant sat for the EPPP written examination. [Eff 10/5/70; am and ren §16-98-30, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-6)

SUBCHAPTER 6

STANDARDS OF PRACTICE

§16-98-34 Unethical practice of psychology. (a) "Unethical practice of psychology" means wilful disregard for any or all of the matters covered in this section.

(b) The psychologist shall not misrepresent the professional qualifications, affiliations, and purposes, and those of the institutions and organizations with which the psychologist is associated:

- (1) A psychologist shall not claim either qualifications that differ from actual qualifications, nor shall the psychologist misrepresent affiliation with any institution, organization, or individual, nor lead

others to assume any affiliations that the psychologist does not have. The psychologist shall be responsible for correcting others who misrepresent the psychologist's professional qualifications or affiliations;

(2) The psychologist shall not misrepresent an institution or organization with which the psychologist is affiliated by ascribing to it characteristics that it does not have;

(3) A psychologist shall not use affiliation with the American Psychological Association or its divisions for purposes that are not consonant with the stated purposes of the Association; and

(4) A psychologist shall not associate with or permit the psychologist's name to be used in connection with any services or products in such a way as to misrepresent them, the degree of the psychologist's responsibility for them, or the nature of the psychologist's affiliation.

(c) Modesty, scientific caution, and due regard for the limits of present knowledge shall characterize all statements of psychologists who supply information to the public, either directly or indirectly:

(1) Psychologists who interpret the science of psychology or the services of psychologists to clients or to the general public have an obligation to report fairly and accurately. Exaggeration, sensationalism, superficiality, and other kinds of misrepresentation shall be avoided;

(2) When information about psychological procedures and techniques is given, care shall be taken to indicate that they should be used only by persons adequately trained in their use;

(3) Claims that a psychologist has unique skills or unique devices not available to others in the profession may be made only if the special efficacy of these unique skills or devices has been demonstrated by scientifically acceptable evidence; and

(4) A psychologist who engages in radio or television activities shall not participate in commercial announcements recommending purchase or use of a product.

(d) Safeguarding information about an individual that has been obtained by the psychologist in the course of teaching, practice, or investigation is a primary obligation of the psychologist. Such information shall not be communicated to others unless certain important conditions are met:

(1) Information received in confidence may be revealed only after careful deliberation and where there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities;

- (2) Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others may be discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present only data germane to the purposes of the evaluation; every effort shall be made to avoid undue invasion of privacy;
 - (3) Clinical and other materials may be used in classroom teaching and writing only when the identity of the persons involved is adequately disguised;
 - (4) The confidentiality of professional communications about individuals shall be maintained. Only when the originator and other persons involved give their express permission is a confidential professional communication shown to the individual concerned. The psychologist shall inform the client of the limits of the confidentiality;
 - (5) Only after explicit permission has been granted may the identity of research subjects be published. When data have been published without permission for identification, the psychologist shall assume responsibility for adequately disguising their sources; and
 - (6) The psychologist shall make provisions for the maintenance of confidentiality in the preservation and ultimate disposition of confidential records.
- (e) The psychologist shall respect the integrity and protect the welfare of the person or group with whom the psychologist is working:
- (1) The psychologist in industry, education, and other situations in which conflicts of interest may arise among various parties, as between management and labor, or between the client and employer of the psychologist, shall define the nature and direction of the psychologist's loyalties and responsibilities and keep all parties concerned informed of these commitments;
 - (2) When there is a conflict among professional workers, the psychologist shall be concerned primarily with the welfare of any client involved and only secondarily with the interest of the psychologist's own professional group;
 - (3) The psychologist shall attempt to terminate a clinical or consulting relationship when it is reasonably clear to the psychologist that the client is not benefiting from it;
 - (4) The psychologist may ask that an individual reveal personal information in the course of interviewing, testing, or evaluation, or allow the information to be divulged to the psychologist only after

making certain that the responsible person is fully aware of the purposes of the interview, testing, or evaluation and of the ways in which the information may be used;

- (5) In cases involving referral, the responsibility of the psychologist for the welfare of the client continues until this responsibility is assumed by the professional person to whom the client is referred or until the relationship with the psychologist making the referral has been terminated by mutual agreement. In situations where referral, consultation, or other changes in the conditions of the treatment are indicated and the client refuses referral, the psychologist shall carefully weigh the possible harm to the client, the psychologist, and the psychologist's profession that might ensue from continuing the relationship;
 - (6) The psychologist who requires the taking of psychological tests for didactic, classification, or research purposes shall protect the examinees by insuring that the tests and test results are used in a professional manner;
 - (7) When potentially disturbing subject matter is presented to students, it is discussed objectively, and efforts are made to handle constructively any difficulties that arise;
 - (8) Care shall be taken to insure an appropriate setting for clinical work to protect both client and psychologist from actual or imputed harm and the profession from censure; and
 - (9) In the use of accepted drugs for therapeutic purposes special care shall be exercised by the psychologist to assure the psychologist that the collaborating physician provides suitable safeguards for the client.
- (f) The psychologist shall inform the prospective client of the important aspects of the potential relationship that may affect the client's decision to enter the relationship:
- (1) Aspects of the relationship likely to affect the client's decision include the recording of an interview, the use of interview material for training purposes, and observation of an interview by other persons;
 - (2) When the client is not competent to evaluate the situation (as in the case of a child), the person responsible for the client shall be informed of the circumstances which may influence the relationship;
 - (3) The psychologist shall not enter into a professional relationship with members of the psychologist's own family, intimate friends,

close associates, or others whose welfare might be jeopardized by such a dual relationship; and

(4) The psychologist shall not engage in any type of sexual activity with a client.

(g) Psychological services for the purpose of diagnosis, treatment, or personalized advice may be provided only in the context of a professional relationship, and shall not be given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail or similar media.

The preparation of personnel reports and recommendations based on test data secured solely by mail is prohibited unless such appraisals are an integral part of a continuing client relationship with a company, as a result of which the consulting psychologist has intimate knowledge of the client's personnel situation and can be assured thereby that the psychologist's written appraisals shall be adequate to the purpose and shall be properly interpreted by the client. These reports shall not be embellished with the detail analyses of the subject's personality traits as would be appropriate only after intensive interviews with the subject. The reports shall not make specific recommendations as to employment or placement of the subject which go beyond the psychologist's knowledge of the job requirements of the company. The reports shall not purport to eliminate the company's need to carry on the other regular employment or personnel practices as appraisal of the work history, checking of references, or past performance in the company.

(h) A psychologist shall act with integrity in regard to colleagues in psychology and in other professions:

(1) A psychologist shall not offer professional services to a person receiving psychological assistance from another professional worker except by agreement with the other worker or after the termination of the client's relationship with the other professional worker; and

(2) The welfare of clients and colleagues requires that psychologists in joint practice or corporate activities make an orderly and explicit arrangement regarding the conditions of their association and its possible termination. Psychologists who serve as employers of other psychologists have an obligation to make similar appropriate arrangements.

(i) Financial arrangements in professional practice shall be in accord with professional standards that safeguard the best interest of the client and the profession:

(1) In establishing rates for professional services, the psychologist shall consider carefully both the ability of the client to meet the financial burden and the charges made by other professional persons engaged

in comparable work. The psychologist is willing to contribute a portion of the psychologist's services to work for which the psychologist receives little or no financial return;

No commission or rebate or any other form of remuneration shall be given or received for referral of clients for professional services;

- (2) The psychologist in clinical or counseling practice shall not use relationships with clients to promote commercial enterprises of any kind for personal gain or the profit of an agency;
- (3) A psychologist shall not accept a private fee or any other form of remuneration for professional work with a person who is entitled to the psychologist's services through an institution or agency. The policies of a particular agency may make explicit provision for private work with its clients by members of its staff, and in such instances the client shall be fully apprised of all policies affecting the client;
- (4) A psychologist shall not bill for services or treatment not directly performed for a client; provided that a psychologist may bill for services or treatment not directly performed if there is an agreement between the agency or client that permits this type of billing; and
- (5) A psychologist shall not bill a client for treatment or services not performed; provided that this shall not apply to prior arrangements between the psychologist and client to bill for a cancelled appointment or failure to appear.

(j) Psychological tests and other assessment devices, the value of which depends in part on the naivete of the subject, shall not be reproduced or described in popular publications in ways that may invalidate the techniques. Access to such devices shall be limited to persons with professional interests who shall safeguard their use:

- (1) Sample items made up to resemble those of tests being discussed may be reproduced in popular articles and elsewhere, but scorable tests and actual test items shall not be reproduced in professional publications; and
- (2) The psychologist shall be responsible for the control of psychological tests and other devices and procedures used for instruction when their value may be damaged by revealing to the general public their specific contents or underlying principles.

(k) Test scores, like test materials, may be released only to persons who are qualified to interpret and use them properly:

- (1) Materials for reporting test scores to parents, or which are designed for self-appraisal purposes in schools, social agencies, or industry

shall be closely supervised by qualified psychologists or counselors with provisions for referring and counseling individuals when needed;

- (2) Test results or other assessment data used for evaluation or classification shall be communicated to employers, relatives, or other appropriate persons in such a manner as to guard against misinterpretation or misuse. In the usual case, an interpretation of the test result rather than the score is communicated; and
 - (3) When test results shall be communicated directly to parents and students, they shall be accompanied by adequate interpretive aids or advice.
- (1) Psychological tests may be offered for commercial publication only to publishers who present their tests in a professional way and distribute them only to qualified users:
- (1) A test manual, technical handbook, or other suitable report on the test may be provided which describes the methods of constructing and standardizing the test, and summarizes the validation research;
 - (2) The populations for which the test has been developed and the purposes for which it is recommended shall be stated in the manual. Limitations upon the test's dependability, and aspects of its validity on which research is lacking or incomplete, shall be clearly stated. In particular, the manual shall contain a warning regarding interpretations likely to be made which have not yet been substantiated by research;
 - (3) The catalog and manual shall indicate the training or professional qualifications required for sound interpretation of the test;
 - (4) The test manual and supporting documents shall take into account the principles enunciated in the "Standards for Educational and Psychological Tests and Manuals", as amended; and
 - (5) Test advertisements shall be factual and descriptive rather than emotional and persuasive.
- (m) The psychologist shall assume obligations for the welfare of the psychologist's research subject, both animal and human:
- (1) Only when a problem is of scientific significance and it is not practicable to investigate it in any other way is the psychologist justified in exposing research subjects, whether children or adults, to physical or emotional stress as part of an investigation;
 - (2) When a reasonable possibility of injurious after effects exists, research may be conducted only when the subjects or their responsible agents are fully informed of this possibility and agree to participate nevertheless;

- (3) The psychologist shall seriously consider the possibility of harmful after effects and avoid them, or remove them as soon as permitted by the design of the experiment;
- (4) A psychologist using animals in research shall adhere to the provisions of the rules regarding animals, drawn up by the Committee on Precautions and Standards in Animal Experimentation and adopted by the American Psychological Association; and
- (5) Investigations of human subjects using experimental drugs (for example: hallucinogenic, psychotomimetic, psychedelic, or similar substances) shall be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the subjects. [Eff 10/5/70; am 5/26/78; am 5/20/79; am and ren §16-98-34, 6/25/81; am and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §§465-6, 465-13)

SUBCHAPTER 7

PRACTICE AND PROCEDURE

§16-98-38 Administrative practice and procedure. The rules of practice and procedure for psychologists shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, which are incorporated by reference and made a part of this chapter. [Eff and comp 12/20/85; am and comp 11/25/88] (Auth: HRS §§91-2, 465-6) (Imp: HRS §§91-2, 465-6)

SUBCHAPTER 8

DISCIPLINARY SANCTIONS

§16-98-42 Probation and suspension. For any licensee who is placed on probation or whose license is suspended, the board may order but not be limited to the following types of sanctions:

- (1) Enrollment in additional educational and training courses;
- (2) Performance of public service;
- (3) Supervision by a licensed psychologist;

- (4) Evaluation prior to returning to practice;
- (5) Limitation of the kinds of services the licensee can perform; and
- (6) Examination(s). [Eff and comp 11/25/88] (Auth: HRS §465-6) (Imp: HRS §465-13)

SUBCHAPTER 9

ORAL TESTIMONY

§16-98-46 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board no later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
 - (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
 - (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
 - (4) Persons presenting oral testimony, at the beginning of the testimony, shall identify themselves and the organization, if any, that they represent;
 - (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
 - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this chapter shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearing relief, declaratory relief, or rule relief provisions of chapter 16-201.
- (c) Nothing in this chapter shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 11/25/88] (Auth: HRS §92-3) (Imp: HRS §92-3)

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-98
Hawaii Administrative Rules
July 11, 1988

SUMMARY

1. §16-98-4 is amended.
2. §16-98-8 is amended.
3. §§16-98-12 and 16-98-13 are amended.
4. §16-98-16 is amended.
5. §§16-98-20 and 16-98-21 are added.
6. §16-98-23 is amended.
7. §16-98-25 is amended.
8. §16-98-30 is amended.
9. §16-98-34 is amended.
10. §16-98-38 is amended.
11. A new subchapter 8 (§16-98-42) is added.
12. A new subchapter 9 (§16-98-46) is added.
13. Chapter 98 is compiled.