

# OVERVIEW

THE AUDITOR  
STATE OF HAWAII

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## Sunrise Analysis of a Proposal to Regulate Professional Counselors

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### Summary

We analyzed whether professional counselors should be regulated as proposed in Senate Bill No. 3281 introduced during the 1992 legislative session. We conclude that the proposal should not be enacted.

Counselors help people with personal, social, educational, and career problems. They may specialize in areas such as vocational guidance, rehabilitation, mental health, substance abuse, marriage and family, and aging. They may work with individuals or groups.

Senate Bill No. 3281 proposes to regulate the practice of counseling by a seven-member professional counselor board in the Department of Commerce and Consumer Affairs. No one could lawfully practice as a counselor unless licensed by the board. To be licensed, applicants would have to have a master's degree in counseling, three years of post-master's experience, and pass a written examination.

This is our second sunrise analysis of proposals to regulate counselors. In our 1988 analysis of a different proposal, we concluded that the practice of professional counseling did not pose sufficient harm to warrant licensure. We found the proposed scope of practice was confusing and the requirements were restrictive.

We reach similar conclusions today. The Sunset Law says that occupations should be regulated only when necessary to protect the health, safety, and welfare of consumers. There is still insufficient evidence of harm by counselors to warrant regulation. Furthermore, the cost of regulation would be substantial, and not justified by the potential harm. The current proposal still does not define the practice of counseling with any precision and is too broad to be enforceable. Also, the bill has sweeping exemptions that leave only private practitioners subject to regulation, making regulation almost meaningless.

Furthermore, the bill is restrictive and flawed. It proposes education and experience requirements—a master's degree in counseling and 3,000 hours of practice for the professional counselor license—that are not necessary to protect the public. It inappropriately requires license applicants to declare their area of competence, intended counseling procedures, and theoretical orientation. It has restrictive requirements for supervision and for associate

counselor licenses. Finally, the bill contains questionable requirements on citizenship and residency, nomination of board members, previous criminal record, continuing education, and other matters.

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## **Recommendations and Response**

We recommend that Senate Bill No. 3281 not be enacted.

The Department of Commerce and Consumer Affairs supports our findings and conclusions. It comments that our report touched upon the same concerns it had.

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