
A BILL FOR AN ACT

RELATING TO PSYCHOLOGISTS.

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

1 SECTION 1. The legislature finds that in the low-income
2 and rural areas of the State there is an urgent need for mental
3 health care that is provided by persons with prescriptive
4 authority. There are not enough prescribing mental health care
5 providers available in the state to serve Hawaii's needs.
6 Clinical psychologists do not possess prescriptive authority,
7 however, if not for the federally qualified health centers and
8 the services provided by clinical psychologists working at those
9 centers, persons living in low-income or rural areas would
10 receive little or no mental health services.

11 At present, only three federally qualified health centers
12 have psychiatrists on staff. In contrast, 2004 data from the
13 Hawaii Primary Care Association indicates that there are 9.71
14 psychologists employed in full or part-time positions to provide
15 mental/behavioral health service in nine of the thirteen
16 federally qualified health centers.



1 Native Hawaiians often account for a large proportion of
2 the population living in rural and underserved areas. Since
3 1988, federal law has recognized the extraordinarily poor health
4 of native Hawaiians who have the highest rate of untreated
5 medical and psychological concerns, and higher rates than other
6 indigenous and minority individuals in the United States.
7 Recent concerns for this population include the crystal
8 methamphetamine epidemic and related substance abuse issues that
9 are occurring in communities such as Waianae and Waimanalo, and
10 on Molokai and Hawaii county. This epidemic, coupled with the
11 economic and cultural distress of the native Hawaiian
12 population, has created unprecedented demands for services from
13 an already overtaxed mental health system.

14 The legislature finds that this urgent need for mental
15 health care in rural and underserved areas in Hawaii may be met
16 by providing limited prescriptive authority to psychologists
17 once they have obtained the appropriate education, training, and
18 experience. This limited prescriptive authority would be given
19 only to psychologists who will provide care to Hawaii's
20 communities in need, at federally qualified health centers or
21 other licensed health clinics located in federally designated



1 medically underserved areas. Patients of federally qualified
2 health centers include the uninsured, the poor, native
3 Hawaiians, other Pacific Islanders, and the homeless.

4 The authorization of limited prescriptive authority by the
5 legislature is not without precedent. The legislature has
6 previously provided limited prescriptive privileges to advanced
7 practice nurse practitioners, optometrists, dentists,
8 podiatrists, osteopaths, and physician assistants.

9 In addition, psychologists with appropriate credentials
10 have been allowed to prescribe medications to active duty
11 military personnel and their families in federal facilities and
12 the Indian Health Service for years, and Louisiana and New
13 Mexico recently adopted legislation authorizing prescriptive
14 authority for psychologists without regard to the service
15 setting.

16 Further, since 2000, fourteen psychologists, all residents
17 of Hawaii, have received psychopharmacological training through
18 the Tripler Army Medical Center's Native Hawaiian Psychology
19 Training Program. These psychologists actively collaborate with
20 primary care physicians to provide combined therapy and
21 psychopharmacological care to a medically underserved patient



1 population at seven federally qualified health centers at Bay
2 Clinic, Hana, Molokai, Kauai, Waianae, Kalihi-Palama, and
3 Waimanalo, and two native Hawaiian health care systems clinics
4 located in federally designated medically underserved areas on
5 Kauai and Molokai.

6 Under this program, thousands of native Hawaiians and other
7 ethnic minorities, many with significant mental and behavioral
8 health care problems, have received the necessary combined
9 therapy and psychopharmacological care that was sorely lacking
10 in their communities. For example, psychologists at the Waianae
11 Coast Comprehensive Health Center completed approximately three
12 thousand eight hundred forty patient encounters in 2004; seventy
13 per cent of these patients received necessary psychotropic
14 medication for the treatment of mental illness.

15 The American Psychological Association has developed a
16 model curriculum for the education and training of prescribing
17 psychologists. Independent evaluations of the Department of
18 Defense Psychopharmacological Demonstration Project by the
19 United States General Accounting Office and the American College
20 of Neuropsychopharmacology have found that appropriately trained
21 medical psychologists prescribe safely and effectively.



1 The legislature finds that providing timely access to
2 accurate diagnosis and effective treatment of emotional and
3 behavioral disorders would help to fulfill the State's
4 responsibilities to Hawaii's "Felix" children and needy adults
5 in underserved rural areas. In addition, timely, efficient, and
6 cost-effective treatment of mental illnesses in federally
7 qualified health centers would not only improve the quality of
8 life for persons living in low-income and rural communities, but
9 could also avoid the significantly greater social, economic, and
10 medical costs of non-treatment for these underserved
11 populations.

12 The purpose of this Act is to authorize psychologists who
13 have obtained the appropriate education, training, and
14 experience, to prescribe a limited formulary of psychotropic
15 medications for the treatment of mental illness while practicing
16 in federally qualified health centers or licensed health clinics
17 located in federally designated medically underserved areas or
18 in mental health professional shortage areas.

19 SECTION 2. Chapter 465, Hawaii Revised Statutes, is
20 amended by adding a new part to be appropriately designated and
21 to read as follows:



1 **"PART . PRESCRIPTION CERTIFICATION**

2 **§465-A Definitions.** As used in this part, unless the
3 context otherwise requires:

4 "Collaborative relationship" means a cooperative working
5 relationship between a psychologist holding a prescription
6 certificate and a doctor of medicine in the provision of patient
7 care, including diagnosis and cooperation in the management and
8 delivery of physical and mental health care.

9 "Medical psychologist" means a psychologist who has
10 undergone specialized training in clinical psychopharmacology
11 and has passed a regional proficiency examination approved by
12 the board and who holds from the board a valid prescription
13 certificate under section 465-D.

14 "Narcotics" mean natural and synthetic opioid analgesics,
15 and their derivatives used to relieve pain.

16 "Prescribing mental health professional" means a medically
17 trained and licensed physician or psychiatrist.

18 "Psychotropic medication" means only those agents related
19 to the diagnosis and treatment of mental and emotional
20 disorders, including controlled substances other than narcotics.



1 **§465-B Conditional prescription certificate; application.**

2 (a) A psychologist may apply to the board for a conditional
3 prescription certificate. The application shall be made on a
4 form approved by the board, and be accompanied by evidence
5 satisfactory to the board, that the applicant:

- 6 (1) Holds a doctoral degree in psychology;
- 7 (2) Holds a current license in good standing to practice
8 psychology in the State of Hawaii;
- 9 (3) Has provided health services for five consecutive
10 years as a licensed psychologist;
- 11 (4) Has successfully graduated with a post-doctoral
12 master's degree in clinical psychopharmacology from a
13 regionally accredited institution or equivalent
14 approved by the board. The training shall be
15 consistent with the American Psychological
16 Association's Recommended Postdoctoral Training in
17 Psychopharmacology for Prescription Privileges. The
18 training shall include a minimum of five hundred hours
19 of didactic classroom instruction in at least the
20 following core areas of instruction:
 - 21 (A) Anatomy and physiology;



- 1 (B) Biochemistry;
- 2 (C) Neurosciences (neuroanatomy, neurochemistry,
- 3 neurophysiology);
- 4 (D) Pharmacology and clinical pharmacology;
- 5 (E) Psychopharmacology;
- 6 (F) Pathophysiology;
- 7 (G) Health assessment, including relevant physical
- 8 and laboratory assessment; and
- 9 (H) Clinical pharmacotherapeutics;
- 10 (5) Has completed a supervised practicum of at least two
- 11 years involving five hundred hours treating a diverse
- 12 population of no fewer than one hundred fifty patients
- 13 with mental disorders. A licensed health care
- 14 provider who is experienced in the provision of
- 15 psychopharmacotherapy shall supervise the practicum.
- 16 The practicum shall include at least four hours of
- 17 weekly supervision and the supervisor shall not be in
- 18 the employ of the person being directed or supervised;
- 19 (6) Has passed a national proficiency examination approved
- 20 by the board that tests the applicant's knowledge of
- 21 pharmacology in the diagnosis, care, and treatment of



- 1 mental disorders; provided that the board shall
2 establish what constitutes a passing score and the
3 number of times an applicant may retake the
4 examination within a specific time period;
- 5 (7) Applies for a Federal Drug Enforcement license for
6 limited use as restricted by state law;
- 7 (8) Has malpractice insurance in place sufficient to
8 satisfy requirements adopted by the board by rule,
9 that will cover the applicant during the period the
10 conditional prescription certificate is in effect;
- 11 (9) Is employed or contracted by, and will practice the
12 prescribing authority at:
- 13 (A) A federally qualified health center established
14 under Title 42 United States Code Section 1396;
- 15 (B) A licensed health clinic located in a federally
16 designated medically underserved area as defined
17 by Title 42 Code of Federal Regulations Part 62;
18 or
- 19 (C) A licensed health clinic located in a mental
20 health professional shortage area;
- 21 and



1 (10) Meets all other requirements, as determined by rule by
2 the board, for obtaining a conditional prescription
3 certificate.

4 (b) The board shall issue a conditional prescription
5 certificate if it finds that the applicant has met the
6 requirements of subsection (a).

7 **§465-C Conditional prescription certificate; powers,**
8 **duties, and responsibilities.** (a) A psychologist holding a
9 conditional prescription certificate shall:

10 (1) Continue to hold a current license to practice
11 psychology in Hawaii;

12 (2) Continue to maintain malpractice insurance;

13 (3) Inform the board of:

14 (A) The name of the prescribing mental health
15 professional under whose supervision the
16 psychologist will prescribe psychotropic
17 medication and shall promptly inform the board of
18 any change of the prescribing mental health
19 professional; and

20 (B) The name of the federally qualified health
21 center, licensed health clinic located in a



1 federally designated medically underserved area,
2 or the licensed health clinic located in a mental
3 health professional shortage area, in which the
4 psychologist practices; and

5 (4) When authorized to prescribe controlled substances,
6 file with the board, in a timely manner, all
7 individual federal Drug Enforcement Agency
8 registrations and numbers.

9 (b) A psychologist holding a conditional prescription
10 certificate:

11 (1) May administer and prescribe psychotropic medication
12 that is not prohibited by the exclusionary formulary
13 list established pursuant to section 465-F;

14 (2) May order and review laboratory tests in conjunction
15 with the prescription for the treatment of mental
16 disorders;

17 (3) Shall not delegate prescriptive authority to any other
18 person. Records of all prescriptions shall be
19 maintained in the prescribing psychologist's patient
20 records; and



- 1 (4) Shall prescribe only in consultation and collaboration
2 with the patient's primary or attending physician, and
3 with the concurrence of that physician. The
4 psychologist shall re-consult with the patient's
5 physician prior to making any changes in the patient's
6 medication regimen, including dosage adjustments,
7 adding, or discontinuing medication.
- 8 (5) Shall document the consultation and collaboration,
9 concurrence, and re-consultations in the patient's
10 medical records.
- 11 (6) When prescribing psychotropic medication for a
12 patient, shall maintain an ongoing collaborative
13 relationship with the doctor of medicine who oversees
14 the patient's general medical care to ensure that:
- 15 (A) Necessary medical examinations are conducted;
16 (B) The psychotropic medication is appropriate for
17 the patient's medical condition; and
18 (C) Significant changes in the patient's medical or
19 psychological condition are discussed.
- 20 (7) In the event that a patient does not have a primary or
21 attending physician, the psychologist shall not



1 prescribe any medications for that patient and shall
2 not delegate the prescribing to any other individual.

3 (c) A prescription written by a psychologist with a
4 conditional prescription certificate shall:

- 5 (1) Comply with applicable state and federal laws;
- 6 (2) Be identified as issued by the psychologist as
7 "psychologist certified to prescribe"; and
- 8 (3) Include the psychologist's board number or the
9 identification number assigned by the department of
10 commerce and consumer affairs.

11 **§465-D Prescription certificate.** (a) A psychologist may
12 apply to the board for a prescription certificate. The
13 application shall be made on a form approved by the board and be
14 accompanied by evidence satisfactory to the board that the
15 applicant:

- 16 (1) Has been issued a conditional prescription certificate
17 under 465-B and 465-C and has successfully completed
18 two years of prescribing psychotropic medication as
19 certified by the supervising prescribing mental health
20 professional;



- 1 (2) Has successfully undergone a process of independent
2 peer review approved by the board and the Hawaii board
3 of medical examiners;
- 4 (3) Holds a current license to practice psychology in the
5 State of Hawaii;
- 6 (4) Has malpractice insurance in place, sufficient to
7 satisfy requirements adopted by the board by rule,
8 which will cover the applicant as a prescribing
9 medical psychologist; and
- 10 (5) Meets all other requirements, as determined by rule by
11 the board, for obtaining a prescription certificate.
- 12 (b) The board shall issue a prescription certificate if it
13 finds that the applicant has met the requirements of subsection
14 (a).
- 15 (c) A medical psychologist with a prescription certificate
16 may prescribe psychotropic medication if the medical
17 psychologist:
- 18 (1) Continues to hold a current license to practice
19 psychology in Hawaii and maintain malpractice
20 insurance; and



1 (2) Biennially satisfies the continuing education
2 requirements for prescribing medical psychologists, as
3 set by the board by rule, which shall be no fewer than
4 forty hours each year, at least half of which shall be
5 in pharmacology or psychopharmacology.

6 (d) A medical psychologist holding a prescription
7 certificate may:

8 (1) Administer and prescribe psychotropic medication that
9 is not prohibited by the exclusionary formulary list
10 established pursuant to section 465-F; and

11 (2) Order and review laboratory tests in conjunction with
12 the prescription for the treatment of mental
13 disorders.

14 **§465-E Exclusionary formulary list.** The exclusionary
15 formulary list shall specify the types of medications that
16 psychologists holding either a conditional prescription
17 certificate or a prescription certificate shall be prohibited
18 from prescribing or administering. The exclusionary formulary
19 list shall include the following types of medications:

20 (1) All narcotics;

21 (2) All monoamine oxidase inhibitors (MAOI's);



- 1 (3) All antipsychotic medications;
- 2 (4) All amphetamines;
- 3 (5) All non-psychotropic medications;
- 4 (6) Lithium; and
- 5 (7) Serzone.

6 **§465-F Formulary advisory committee; establishment,**
 7 **composition, and duties.** (a) There is established a formulary
 8 advisory committee within the department of commerce and
 9 consumer affairs for administrative purposes. The formulary
 10 advisory committee shall:

- 11 (1) Establish the recommended exclusionary formulary list;
- 12 and
- 13 (2) Review the exclusionary formulary list adopted by the
- 14 board of psychology no less than once per quarter and
- 15 as frequently as it deems necessary, and recommend
- 16 amendments to the exclusionary formulary list subject
- 17 to the limitations set forth in section 465-E.

18 The board of psychology shall by rule pursuant to chapter 91
 19 adopt the recommended exclusionary formulary list established by
 20 the formulary advisory committee and any recommended amendments
 21 to the list; provided that the formulary shall be adopted by



1 December 31, 2007, after which the advisory committee shall be
2 repealed.

3 (b) The formulary advisory committee shall be appointed by
4 the director of commerce and consumer affairs and consist of:

5 (1) Two persons licensed as psychologists as recommended
6 by the board of psychology;

7 (2) One person licensed in psychiatry as recommended by
8 the board of medical examiners;

9 (3) One person licensed as a pharmacist as recommended by
10 the board of pharmacy; and

11 (4) One medical director from a federally qualified health
12 center in the state.

13 **§465-G Administration.** (a) The board shall adopt rules
14 pursuant to chapter 91 establishing the requirements and
15 procedures for obtaining a conditional prescription certificate,
16 a prescription certificate, and renewal of a conditional
17 prescription certificate and prescription certificate, including
18 continuing education requirements. The board may set reasonable
19 application and renewal fees.

20 (b) The board shall adopt rules pursuant to chapter 91
21 establishing the grounds for denial, suspension, or revocation



1 of conditional prescription certificates and prescription
2 certificates, including provisions for suspension or revocation
3 of a license to practice psychology upon suspension or
4 revocation of a conditional prescription certificate or
5 prescription certificate. Actions of denial, suspension, or
6 revocation of a conditional prescription certificate or a
7 prescription certificate shall be in accordance with this
8 chapter.

9 (c) The board shall maintain current records on every
10 prescribing psychologist, including federal registrations and
11 numbers.

12 (d) The board shall provide to the board of pharmacy an
13 annual list of psychologists holding a conditional prescription
14 certificate or prescription certificate that contains the
15 information agreed upon between the board and the board of
16 pharmacy. The board shall promptly notify the board of pharmacy
17 of psychologists who are added or deleted from the list."

18 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
19 amended by designating sections 465-1 through 465-15 as part I
20 and inserting a title before section 465-1 to read as follows:

21 **"PART I. GENERAL PROVISIONS"**



1 SECTION 4. Section 465-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

4 (1) Any person teaching, lecturing, consulting, or
5 engaging in research in psychology insofar as the
6 activities are performed as part of or are dependent
7 upon employment in a college or university; provided
8 that the person shall not engage in the practice of
9 psychology outside the responsibilities of the
10 person's employment;

11 (2) Any person who performs any, or any combination, of
12 the professional services defined as the practice of
13 psychology under the direction of a licensed
14 psychologist in accordance with rules adopted by the
15 board; provided that the person may use the term
16 "psychological assistant", but shall not identify the
17 person's self as a psychologist or imply that the
18 person is licensed to practice psychology;

19 (3) Any person employed by a local, state, or federal
20 government agency in a school psychologist or
21 psychological examiner position, or a position that



1 does not involve diagnostic or treatment services, but
2 only at those times when that person is carrying out
3 the functions of such government employment;

4 (4) Any person who is a student of psychology, a
5 psychological intern, or a resident in psychology
6 preparing for the profession of psychology under
7 supervision in a training institution or facility and
8 who is designated by a title as "psychology trainee",
9 "psychology student", "psychology intern", or
10 "psychology resident", that indicates the person's
11 training status; provided that the person shall not
12 identify the person's self as a psychologist or imply
13 that the person is licensed to practice psychology;

14 (5) Any person who is a member of another profession
15 licensed under the laws of this jurisdiction to render
16 or advertise services, including psychotherapy, within
17 the scope of practice as defined in the statutes or
18 rules regulating the person's professional practice;
19 provided that, notwithstanding section 465-1, the
20 person does not represent the person's self to be a



1 psychologist or does not represent that the person is
2 licensed to practice psychology;

3 (6) Any person who is a member of a mental health
4 profession not requiring licensure; provided that the
5 person functions only within the person's professional
6 capacities; and provided further that the person does
7 not represent the person to be a psychologist, or the
8 person's services as psychological; or

9 (7) Any person who is a duly recognized member of the
10 clergy; provided that the person functions only within
11 the person's capacities as a member of the clergy; and
12 provided further that the person does not represent
13 the person to be a psychologist, or the person's
14 services as psychological.

15 (b) Nothing in this chapter shall in any way restrict any
16 person from carrying on any of the psychological activities as
17 defined in section 465-1; provided that such person does not
18 offer psychological services as defined in this chapter except
19 as such activities are incidental to the person's lawful
20 occupational purpose.

21 (c) A person may use the title of industrial/organizational



1 psychologist[7]; provided that the person registers with the
2 board, and:

- 3 (1) Is professionally competent in the practice of
4 industrial/organizational psychology; [~~and~~]
5 (2) Holds a doctoral degree from an accredited institution
6 of higher education with training and education in
7 industrial/organizational psychology, satisfactory to
8 the board; and
9 (3) Provides psychological service or consultation to
10 organizations which does not involve the delivery or
11 supervision of direct psychological services to
12 individuals or groups of individuals, without regard
13 to the source or extent of payment for services
14 rendered.

15 (d) Nothing in this chapter shall prevent the provision of
16 expert testimony by a psychologist who is otherwise exempted by
17 this chapter.

18 [~~(e) Nothing in this chapter shall be construed as~~
19 ~~permitting the administration or prescription of drugs, or in~~
20 ~~any way engaging in the practice of medicine as defined in the~~
21 ~~laws of the State.] "~~



1 SECTION 5. The board of psychology shall submit a final
2 report, including any proposed legislation, not later than
3 twenty days prior to the regular session of 2015, on its
4 evaluation of the status of mental health care in the state
5 after providing conditional and prescriptive authority to
6 medical psychologists pursuant to this Act. All reports shall
7 include recommendations as to whether the prescriptive authority
8 should be modified, eliminated, or continued, to assist the
9 legislature in assessing the viability of allowing psychologists
10 to retain prescriptive authority.

11 SECTION 6. In codifying the new part added to chapter 465,
12 Hawaii Revised Statutes, by section 2 of this Act, the revisor
13 of statutes shall substitute appropriate section numbers for the
14 letters used in designating the new sections in this Act.

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval
18 and shall be repealed on July 1, 2015; provided that section
19 465-3, Hawaii Revised Statutes, shall be reenacted in the form
20 in which it read on the day before the approval of this Act.



HB2589, SD1

Report Title:

Psychologists; Prescriptive Authority

Description:

Authorizes qualified psychologists practicing at federally qualified health centers or health clinics in medically underserved areas to prescribe a limited formulary of psychotropic medications. Establishes a formulary advisory committee to establish and revise the formulary. (SD1)

