

JAN 25 2006

A BILL FOR AN ACT

RELATING TO PSYCHOLOGISTS.

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

1 SECTION 1. The delivery of comprehensive, accessible, and
2 affordable medical care may be enhanced by providing trained
3 medical psychologists, licensed in Hawaii, with limited
4 prescriptive authority for the specific purpose of providing
5 care in federally qualified health centers or other licensed
6 health clinics located in federally designated medically
7 underserved areas. The legislature has previously authorized
8 prescription privileges to advanced nurse practitioners,
9 optometrists, dentists, podiatrists, osteopaths, and physician
10 assistants.

11 Psychologists with appropriate credentials have been
12 allowed to prescribe medications to active duty personnel and
13 their families in federal facilities and the Indian Health
14 Service for years. Recently, Louisiana and New Mexico adopted
15 legislation authorizing prescriptive authority for psychologists
16 not limited by the service setting.

17 Since 2000, fourteen psychologists in Hawaii, all native to
18 Hawaii, have received psychopharmacological training through the



1 Tripler Army Medical Center, Native Hawaiian Psychology Training
2 Program. These psychologists actively collaborate with primary
3 care physicians to provide combined therapy and
4 psychopharmacological care to a medically underserved patient
5 population at seven federally qualified health centers (Bay
6 Clinic, Hana, Molokai, Kauai, Waianae, Kalihi-Palama, and
7 Waimanalo), and two native Hawaiian health care systems clinics
8 located in federally designated medically underserved areas on
9 Kauai and Molokai.

10 To date, thousands of native Hawaiians and other ethnic
11 minorities have received the necessary combined therapy and
12 psychopharmacological care that was sorely lacking to address
13 significant mental and behavioral health care needs. For
14 example, psychologists at the Waianae Coast Comprehensive Health
15 Center completed approximately three thousand eight hundred
16 forty patient encounters in 2004; seventy per cent of these
17 patients received necessary psychotropic medication for the
18 treatment of mental illness. Psychologists throughout the
19 federally qualified health centers have formed successful
20 collaborative relationships with primary care physicians for
21 mental health treatment of the underserved.



1 Medical psychologists are licensed health professionals
2 with an average of seven years of post-baccalaureate study and
3 three thousand hours of post-graduate supervised practice in the
4 diagnosis and treatment of mental illness. Because the current
5 scope of medical psychologists' practice does not include
6 prescribing medications, patients must consult with and pay for
7 another provider to obtain the requisite prescription. However,
8 physicians are not readily available in some areas and for some
9 populations.

10 This is a particular hardship for patients of the federally
11 qualified health centers on Oahu and the neighbor islands.
12 Patients of federally qualified health centers include the
13 uninsured (thirty-six per cent), the poor (fifty-six per cent),
14 native Hawaiian (twenty-seven per cent, sixty per cent in rural
15 areas), other Pacific Islanders (seven per cent), and the
16 homeless (five per cent). Timely, efficient, and cost-effective
17 treatment of mental illnesses in federally qualified health
18 centers could avoid the significantly greater social, economic,
19 and medical costs of non-treatment for these underserved
20 populations.

21 Research data soundly demonstrates that there is not enough
22 prescribing mental health care providers available to serve the



1 needs of all people in Hawaii. Further, the economically
2 disadvantaged and medically underserved would receive little or
3 no mental health services if not for the federally qualified
4 health centers and the services provided by clinical
5 psychologists. At present, only three federally qualified
6 health centers have psychiatrists on staff. In contrast, 2004
7 data from the Hawaii Primary Care Association indicates that
8 there are 9.71 psychologists employed in full or part-time
9 positions to provide mental/behavioral health service in nine of
10 the thirteen federally qualified health centers--the most recent
11 expansion of these services has occurred within the short span
12 of four years.

13 Since 1988, federal law has recognized the extraordinarily
14 poor health of native Hawaiians. In Hawaii, native Hawaiians
15 have the highest rate of untreated medical and psychological
16 concerns, and higher rates than other indigenous and minority
17 individuals in the United States. Recent concerns include the
18 impact of the crystal methamphetamine epidemic and related
19 substance abuse issues such as those occurring in Waianae,
20 Molokai, and Waimanalo. This epidemic, coupled with the
21 economic and cultural distress of the native Hawaiian



1 population, has created unprecedented demands for services from
2 an already overtaxed mental health system.

3 Further exacerbating the dire need for mental health
4 treatment in underserved areas is the fact that patients from
5 diverse cultural backgrounds are reluctant to seek treatment due
6 to the stigma of mental health problems. Timely access to
7 accurate diagnosis and effective treatment of emotional and
8 behavioral disorders may contribute substantially to the State's
9 responsibilities to Hawaii's "Felix" children and needy adults
10 in underserved rural areas.

11 The United States Congress, through the Native Hawaiian
12 Health Care Professions Scholarship program, requires
13 scholarship recipients to work in federally designated medically
14 underserved areas for a duration (typically four years) equal to
15 the number of years they received scholarship funding. Under
16 this program, psychologists of native Hawaiian ancestry are now
17 using modern training and education to deliver health care in a
18 culturally appropriate manner to other native Hawaiians through
19 their placement in federally qualified health centers, native
20 Hawaiian health systems clinics, and other federally designated
21 health clinics in medically underserved areas.



1 The American Psychological Association has developed a
2 model curriculum for the education and training of prescribing
3 psychologists. Independent evaluations of the Department of
4 Defense Psychopharmacological Demonstration Project by the
5 United States General Accounting Office and the American College
6 of Neuropsychopharmacology have found that appropriately trained
7 medical psychologists prescribe safely and effectively.

8 The purpose of this Act is to authorize appropriately
9 trained and supervised licensed medical psychologists practicing
10 in federally qualified health centers or licensed health clinics
11 located in federally designated medically underserved areas or
12 in mental health professional shortage areas, to prescribe
13 psychotropic medications for the treatment of mental illness.

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

17 **"PART . PRESCRIPTION CERTIFICATION**

18 **§465- Definitions.** As used in this part, unless the
19 context otherwise requires:

20 "Collaborative relationship" means a cooperative working
21 relationship between a psychologist holding a conditional
22 prescription certificate and a doctor of medicine in the



1 provision of patient care, including diagnosis and cooperation
2 in the management and delivery of physical and mental health
3 care.

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

6 "Prescribing mental health professional" means a medically
7 trained and licensed physician, psychiatrist, advance practice
8 nurse, or nurse practitioner specializing in mental health care.

9 "Psychotropic medication" means only those agents related
10 to the diagnosis and treatment of mental and emotional
11 disorders, including controlled substances except narcotics.

12 **§465- Conditional prescription certificate; application.**

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

- 17 (1) Holds a current license in good standing to practice
18 psychology in the State of Hawaii;
- 19 (2) Has successfully completed a planned sequence of
20 psychopharmacological training from an institution of
21 higher learning. The training shall be consistent
22 with the American Psychological Association's



1 Recommended Postdoctoral Training in
2 Psychopharmacology for Prescription Privileges. The
3 training shall include a minimum of four hundred and
4 fifty hours of didactic classroom instruction in at
5 least the following core areas of instruction:

- 6 (A) Anatomy and Physiology;
- 7 (B) Biochemistry;
- 8 (C) Neurosciences (neuroanatomy, neurochemistry,
9 neurophysiology);
- 10 (D) Pharmacology and clinical pharmacology;
- 11 (E) Psychopharmacology;
- 12 (F) Pathophysiology;
- 13 (G) Health assessment, including relevant physical
14 and laboratory assessment; and
- 15 (H) Clinical pharmacotherapeutics;

16 (3) Has completed a supervised practicum of at least one
17 year involving four hundred hours treating a diverse
18 population of no fewer than one hundred patients with
19 mental disorders. A licensed healthcare provider who
20 is experienced in the provision of

21 psychopharmacotherapy shall supervise the practicum.
22 The practicum shall include at least two hours of

- 1 weekly supervision and the supervisor shall not be in
2 the employ of the person being directed or supervised;
- 3 (4) Has passed a national proficiency examination approved
4 by the board that tests the applicant's knowledge of
5 pharmacology in the diagnosis, care, and treatment of
6 mental disorders; provided that the board shall
7 establish what constitutes a passing score and the
8 number of times an applicant may re-take the exam
9 within a specific time period;
- 10 (5) Applies for a Federal Drug Enforcement License for
11 limited use as restricted by state law;
- 12 (6) Has malpractice insurance in place sufficient to
13 satisfy the rules adopted by the board that will cover
14 the applicant during the period the conditional
15 prescription certificate is in effect;
- 16 (7) Is employed or contracted by, and will practice the
17 prescribing authority at, a federally qualified health
18 center established under Section 1396 of Title 42
19 United States Code, a licensed health clinic located
20 in a federally designated medically underserved area
21 as defined by Title 42 Code of Federal Regulations



1 Part 62, or a licensed health clinic located in a
2 mental health professional shortage area; and

3 (8) Meets all other requirements, as determined by rules
4 adopted by the board pursuant to chapter 91, for
5 obtaining a conditional prescription certificate.

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

9 **§465- Conditional prescription certificate; powers,**
10 **duties, and responsibilities.** (a) The psychologist holding a
11 conditional prescription certificate shall continue to hold a
12 current license to practice psychology in Hawaii and continue to
13 maintain malpractice insurance.

14 (b) The psychologist holding a conditional prescription
15 certificate shall inform the board of the name of the
16 prescribing mental health professional under whose supervision
17 the psychologist will prescribe psychotropic medication and the
18 name of the federally qualified health center, the licensed
19 health clinic located in a federally designated medically
20 underserved area, or the licensed health clinic located in a
21 mental health professional shortage area, in which the
22 psychologist practices; provided that the psychologist holding a



1 conditional prescription certificate shall promptly inform the
2 board of any change of the prescribing mental health
3 professional.

4 (c) The psychologist holding a conditional prescription
5 certificate shall maintain an ongoing collaborative relationship
6 with the doctor of medicine who oversees the patient's general
7 medical care.

8 (d) A psychologist holding a conditional prescription
9 certificate may administer and prescribe psychotropic medication
10 within the recognized scope of the profession, including the
11 ordering and review of laboratory tests in conjunction with the
12 prescription, for the treatment of mental disorders.

13 (e) When prescribing psychotropic medication for a
14 patient, a psychologist holding a conditional prescription
15 certificate shall maintain an ongoing collaborative relationship
16 with the doctor of medicine who oversees the patient's general
17 medical care to ensure that necessary medical examinations are
18 conducted, the psychotropic medication is appropriate for the
19 patient's medical condition, and significant changes in the
20 patient's medical or psychological condition are discussed.

21 (f) A prescription written by a psychologist with a
22 conditional prescription certificate shall:



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

7 (g) A psychologist holding a conditional prescription
8 certificate shall not delegate prescriptive authority to any
9 other person. Records of all prescriptions shall be maintained
10 in the prescribing psychologist's patient records.

11 (h) When authorized to prescribe controlled substances, a
12 psychologist holding a conditional prescription certificate
13 shall file with the board, in a timely manner, all individual
14 federal Drug Enforcement Agency registrations and numbers.

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

- 20 (1) Has been issued a conditional prescription certificate
- 21 and has successfully completed two years of
- 22 prescribing psychotropic medication as certified by



1 (2) Annually satisfies the continuing education
2 requirements for prescribing psychologists, as set by
3 the board, which shall be no fewer than twenty hours
4 each year.

5 **§465- Administration.** (a) The board shall adopt rules
6 pursuant to chapter 91 establishing the procedures to be
7 followed to obtain a conditional prescription certificate, a
8 prescription certificate, and renewal of a conditional
9 prescription certificate and prescription certificate. The
10 board may set reasonable application and renewal fees.

11 (b) The board shall adopt rules pursuant to chapter 91
12 establishing the grounds for denial, suspension, or revocation
13 of conditional prescription certificates and prescription
14 certificates, including provisions for suspension or revocation
15 of a license to practice psychology upon suspension or
16 revocation of a conditional prescription certificate or
17 prescription certificate. Actions of denial, suspension, or
18 revocation of a conditional prescription certificate or a
19 prescription certificate shall be in accordance with this
20 chapter.



1 (c) The board shall maintain current records on every
2 prescribing psychologist, including federal registrations and
3 numbers.

4 (d) The board shall provide to the board of pharmacy an
5 annual list of psychologists holding a conditional prescription
6 certificate or prescription certificate that contains the
7 information agreed upon between the board and the board of
8 pharmacy. The board shall promptly notify the board of pharmacy
9 of psychologists who are added or deleted from the list.

10 **§465- Narcotics; prohibited.** This part shall not be
11 construed to permit a psychologist holding a conditional
12 prescription certificate or prescription certificate to
13 administer or prescribe a narcotic."

14 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
15 amended by designating sections 465-1 through 465-15 as Part I
16 inserting a title before section 465-1 to read as follows:

17 **"PART I.**

18 **GENERAL PROVISIONS"**

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

21 **"§465-3 Exemptions.** (a) This chapter shall not apply to:



- 1 (1) Any person teaching, lecturing, consulting, or
2 engaging in research in psychology insofar as the
3 activities are performed as part of or are dependent
4 upon employment in a college or university; provided
5 that the person shall not engage in the practice of
6 psychology outside the responsibilities of the
7 person's employment;
- 8 (2) Any person who performs any, or any combination, of
9 the professional services defined as the practice of
10 psychology under the direction of a licensed
11 psychologist in accordance with rules adopted by the
12 board; provided that the person may use the term
13 "psychological assistant", but shall not identify the
14 person's self as a psychologist or imply that the
15 person is licensed to practice psychology;
- 16 (3) Any person employed by a local, state, or federal
17 government agency in a school psychologist or
18 psychological examiner position, or a position that
19 does not involve diagnostic or treatment services, but
20 only at those times when that person is carrying out
21 the functions of such government employment;



- 1 (4) Any person who is a student of psychology, a
2 psychological intern, or a resident in psychology
3 preparing for the profession of psychology under
4 supervision in a training institution or facility and
5 who is designated by a title as "psychology trainee",
6 "psychology student", "psychology intern", or
7 "psychology resident", that indicates the person's
8 training status; provided that the person shall not
9 identify the person's self as a psychologist or imply
10 that the person is licensed to practice psychology;
- 11 (5) Any person who is a member of another profession
12 licensed under the laws of this jurisdiction to render
13 or advertise services, including psychotherapy, within
14 the scope of practice as defined in the statutes or
15 rules regulating the person's professional practice;
16 provided that, notwithstanding section 465-1, the
17 person does not represent the person's self to be a
18 psychologist or does not represent that the person is
19 licensed to practice psychology;
- 20 (6) Any person who is a member of a mental health
21 profession not requiring licensure; provided that the
22 person functions only within the person's professional



1 capacities; and provided further that the person does
2 not represent the person to be a psychologist, or the
3 person's services as psychological; or

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

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

16 (c) A person may use the title of
17 industrial/organizational psychologist^[7]; provided that the
18 person registers with the board, and:

19 (1) Is professionally competent in the practice of
20 industrial/organizational psychology; and

21 (2) Holds a doctoral degree from an accredited institution
22 of higher education with training and education in



1 industrial/organizational psychology, satisfactory to
2 the board; and

3 (3) Provides psychological service or consultation to
4 organizations which does not involve the delivery or
5 supervision of direct psychological services to
6 individuals or groups of individuals, without regard
7 to the source or extent of payment for services
8 rendered.

9 (d) Nothing in this chapter shall prevent the provision of
10 expert testimony by a psychologist who is otherwise exempted by
11 this chapter.

12 ~~(e) Nothing in this chapter shall be construed as~~
13 ~~permitting the administration or prescription of drugs, or in~~
14 ~~any way engaging in the practice of medicine as defined in the~~
15 ~~laws of the State."~~

16 SECTION 5. The board of psychology shall submit a report,
17 not later than twenty days prior to the convening of the regular
18 session of 2006 and every two years, thereafter, on its
19 evaluation of the status of conditional prescriptive and
20 prescriptive authority to medical psychologists pursuant to this
21 Act.



S.B. NO. 3263

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

11 SECTION 6. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval
 14 and shall be repealed on July 1, 2013; provided that section
 15 465-3, Hawaii Revised Statutes, is reenacted in the form in
 16 which it read on the day before the approval of this Act.

17

INTRODUCED BY: Rosalyn H Baker
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Report Title:

Psychologists; Prescriptive Authority

Description:

Establishes conditional prescriptive certificates that authorizes qualified psychologists practicing at federally qualified health centers or health clinics located in a medically underserved area or a mental health professional shortage area to prescribe psychotropic medications.
Establishes prescriptive certificates.

