

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 2589
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2589, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS,"

begs leave to report as follows:

The purpose of this bill is to provide increased access to mental health services for persons in areas with little or no access to psychiatrists, by allowing the prescribing of a limited formulary of psychotropic medications by a person who holds a conditional prescription certificate and:

- (1) Is licensed as a psychologist;
- (2) Completes a specified sequence of psychopharmacological training from an institution of higher learning;
- (3) Completes a supervised practicum of at least one year involving 400 hours of treating a diverse population of not less than 100 patients with mental disorders;
- (4) Passes a national proficiency examination on pharmacology in the diagnosis, care, and treatment of mental disorders;
- (5) Applies for a Federal Drug Enforcement License for limited use;



- (6) Will practice the prescribing authority at:
 - (A) A federally qualified health center (FQHC);
 - (B) A licensed health clinic in a federally designated medically underserved area; or
 - (C) A licensed health clinic located in a mental health professional shortage area;
- (7) Obtains malpractice insurance;
- (8) Practices the prescribing authority while maintaining an ongoing collaborative relationship with the patient's physician; and
- (9) Meets any other requirements of the Board of Psychology.

This bill also provides for issuance of a prescription certificate allowing the prescribing of psychotropic medication without the requirement of an ongoing collaborative relationship with the patient's general care physician. The prescription certificate requires two years of successful prescribing under a conditional prescription certificate and an independent peer review of the psychologist.

The American Psychological Association, Hawaii Primary Care Association, Hamakua Health Center, Inc., Bay Clinic, Inc., Louisiana Academy of Medical Psychologists, Waikiki Health Center, and numerous concerned individuals supported this bill. The Board of Medical Examiners, Department of Health, Hawaii Psychiatric Medical Association, American Psychiatric Association, Hawaii Medical Association, National Alliance for the Mentally Ill Oahu, American Association of Applied and Preventive Psychology, and numerous concerned individuals opposed this bill. The Board of Psychology offered comments on this bill.

Your Committee finds that community health centers are playing an important role in providing underserved communities with urgently needed behavioral health care, particularly substance abuse services. However, FQHCs are at a distinct disadvantage when recruiting mental health professionals because of their limited financial resources and their location in geographically isolated areas. In addition, there are insufficient numbers of psychiatrists in the state to meet the need even if adequate funding were available.



Your Committee finds that providing a limited prescribing authority to appropriately trained psychologists could significantly improve the ability of individuals in this state to obtain needed mental health services. Your Committee believes that psychologists who have received appropriate education and training, could, if practicing the prescribing authority in collaboration with the patient's primary care physician, safely provide the behavioral health services so desperately needed by our underserved populations. In so doing, they will help to improve the quality of the lives of these individuals, their families, and of the people in their communities.

Your Committee has amended this measure to:

- (1) Specify that at least half of the continuing education hours required of a holder of a prescription certificate must be in pharmacology or psychopharmacology;
- (2) Allow persons holding a conditional prescription certificate or prescription certificate to order and review laboratory tests in conjunction with the prescribing of psychotropic medication;
- (3) Establish a Formulary Advisory Committee to establish, periodically review, and recommend amendments to an exclusionary formulary list by rule;
- (4) Specify medications that must be included on the exclusionary formulary list;
- (5) Restrict the medication that may be prescribed under the bill to psychotropic medications not included on the exclusionary formulary list; and
- (6) Make technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2589, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2589, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



