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## 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 there is limited  
2 access to mental health care treatment services for citizens  
3 across the State of Hawaii. The delivery of comprehensive,  
4 accessible, and affordable mental health medical care may be  
5 enhanced by providing trained medical psychologists, licensed in  
6 Hawaii, with prescriptive authority. The legislature has  
7 previously authorized prescription privileges to advanced  
8 practice registered nurses, optometrists, dentists, podiatrists,  
9 osteopaths, and physician assistants.

10           The legislature acknowledges that the United States Public  
11 Health Service, Health Resources and Services Administration,  
12 has officially designated much of the State of Hawaii as a  
13 mental health professional shortage area. In addition to rural  
14 areas where geographic isolation is an obvious reason for  
15 shortage problems, urban areas located minutes from downtown  
16 Honolulu, such as Kalihi-Palama and Kalihi Valley, have also  
17 received this shortage designation. The nearly statewide



1 shortage designations indicate that both rural and urban areas  
2 suffer when it comes to accessing mental health care.

3 The legislature acknowledges that the mental health needs  
4 of the State continue to outweigh present capacity. From  
5 2000-2004, more people died from suicide than from automobile  
6 accidents or homicides. At 22.5 per cent, Hawaii's suicide rate  
7 is higher than the national average. While causes for suicide  
8 are complex, the most commonly reported reasons include  
9 depression, relationship problems, and serious medical problems,  
10 conditions with significantly high rates of occurrence within  
11 the general population.

12 In 2008, six domestic violence murders (three of which were  
13 murder-suicides) occurred within six months compared to an  
14 average of nine domestic killings from 1996 through 2006. The  
15 Hawaii State Coalition Against Domestic Violence acknowledged  
16 that these are the highest numbers they have witnessed in  
17 decades. Many perpetrators of these types of killings are not  
18 obviously troubled. They represent individuals from the general  
19 population, and from both rural and urban areas of Hawaii.  
20 Last year, a review by the Honolulu police department revealed  
21 that in 2006, 1435 people were involuntarily taken to emergency  
22 rooms for psychiatric evaluation and treatment.



1           During the first four months of 2007, the Honolulu police  
2 department responded to four hundred four calls to assist in  
3 psychological crisis who required emergency attention. Based on  
4 a review of the records, approximately fifty-four per cent of  
5 these calls resulted from inadequate medication management.

6           At the same time that mental health needs are apparently  
7 growing, resources available for treatment and assistance are  
8 being reduced. Due to the State's anticipated budget short-  
9 fall, the department of health recently announced a \$25,000,000  
10 funding cut-back for fiscal year 2009 and plans reductions up to  
11 an additional twenty per cent for fiscal year 2010.

12           Psychologists with appropriate credentials have been  
13 allowed to prescribe medications to active duty military  
14 personnel and their families in federal facilities and the  
15 Indian Health Service for years. In recent years, Louisiana and  
16 New Mexico adopted legislation authorizing prescriptive  
17 authority for appropriately trained psychologists without regard  
18 to the service setting.

19           Since 2000, twenty psychologists, all born and raised in  
20 Hawaii, have received psychopharmacological training through the  
21 Tripler Army Medical Center, psychology training program. These  
22 psychologists have actively collaborated with primary care



1 physicians to provide combined therapy and psychopharmacological  
2 care to a medically underserved patient population at eleven  
3 federally qualified health centers, Bay Clinic, Hana, Molokai,  
4 Kauai, Waianae, Kalihi-Palama, Waimanalo, Ko'olauloa, West  
5 Hawaii, Kokua Kalihi Valley, and Waikiki, as well as a native  
6 Hawaiian healthcare system clinic located in a federally  
7 designated medically underserved area on Molokai.

8 To date, thousands of native Hawaiians and other ethnic  
9 minorities have received the necessary combined therapy and  
10 psychopharmacological care that has been historically lacking to  
11 address significant mental and behavioral health care needs.  
12 For example, psychologists at the Waianae Coast Comprehensive  
13 Health Center completed approximately 3,840 patient encounters  
14 in 2004; seventy per cent of these patients received necessary  
15 psychotropic medication for the treatment of mental illness.  
16 Psychologists in several federally qualified health centers in  
17 the State have formed successful collaborative relationships  
18 with primary care physicians for mental health treatment of the  
19 underserved.

20 Psychologists are licensed health professionals with an  
21 average of seven years of post-baccalaureate study and three  
22 thousand hours of post-graduate supervised practice in the



1 diagnosis and treatment of mental illness. Because the current  
2 scope of psychologists' practice does not include prescribing  
3 medications, patients must consult with and pay for another  
4 provider to obtain prescriptions. However, practitioners with  
5 prescriptive authority are not readily available in some areas  
6 and to some populations.

7 Research data soundly demonstrates that there is an  
8 insufficient amount of prescribing mental health care providers  
9 available to serve the needs of the people in Hawaii. Based on  
10 prevalence rates provided by the Substance Abuse and Mental  
11 Health Services Administration and reported in "The Behavioral  
12 Health Workforce in Hawai'i: A Status Report" (January, 2008),  
13 40.4 per cent of the population diagnosed with severe and  
14 persistent mental illness received services by the department of  
15 health, adult mental health division. In 2007, 14,276 out of a  
16 total of 52,064 adults with severe mental illness received  
17 services through the adult mental health division, indicating  
18 that approximately 37,788 individuals may not have received  
19 services. Adults diagnosed with severe mental illness represent  
20 5.2 per cent of the total state population and do not include  
21 other individuals with other clinical diagnoses such as



1 substance abuse, post-traumatic stress disorder, or a prior  
2 experience with domestic violence that may require treatment.

3 Since 1988, federal law has recognized the extraordinarily  
4 poor health of native Hawaiians. In Hawaii, native Hawaiians  
5 have the highest rate of untreated medical and psychological  
6 concerns, and higher rates than other indigenous and minority  
7 individuals in the United States. Recent concerns include the  
8 impact of the crystal methamphetamine epidemic, which is  
9 especially prevalent in areas with a large native Hawaiian  
10 population, such as Waianae, Molokai, Waimanalo, Maui, Puna, and  
11 Kau, and related issues. This epidemic, coupled with the  
12 economic and cultural distress of the native Hawaiian  
13 population, has created unprecedented demands for services from  
14 an already over-taxed mental health system. Further  
15 exacerbating the dire need for mental health treatment in areas  
16 across the State is the fact that patients from some cultural  
17 backgrounds are sometimes reluctant to seek treatment due to the  
18 stigma of mental health problems. Timely access to accurate  
19 diagnosis and effective treatment of emotional and behavioral  
20 disorders may contribute substantially to the State's  
21 responsibilities to Hawaii's "Felix" children and needy adults  
22 in underserved rural and urban areas.



1           The United States Congress, through the native Hawaiian  
2 health care professions scholarship program, requires  
3 scholarship recipients to work in federally designated medically  
4 underserved areas for a number of years (typically four) equal  
5 to the number of years they received scholarship funding. Under  
6 this program, psychologists of native Hawaiian ancestry are now  
7 using modern training and education to deliver health care in a  
8 culturally appropriate manner to other native Hawaiians through  
9 their placement in federally qualified health centers, native  
10 Hawaiian health systems clinics, and other federally designated  
11 health clinics in medically underserved areas.

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

20           The purpose of this Act is to authorize appropriately  
21 trained and supervised licensed psychologists to prescribe  
22 psychotropic medications for the treatment of mental illness.



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

4 "PART . PRESCRIPTION CERTIFICATION

5 §465-A Definitions. As used in this part, unless the  
6 context otherwise requires:

7 "Board" means the board of psychology established under  
8 chapter 465.

9 "Clinical experience" means a period of supervised clinical  
10 training and practice in which clinical diagnoses and  
11 interventions are learned and which are conducted and supervised  
12 as part of the training program.

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

15 "Prescription" is an order for a drug, laboratory test, or  
16 any medicine, device, or treatment, including a controlled  
17 substance, as defined by state law.

18 "Prescriptive authority" means the authority to prescribe,  
19 administer, discontinue, or distribute without charge, drugs or  
20 controlled substances recognized in or customarily used in the  
21 diagnosis, treatment, and management of individuals with  
22 psychiatric, mental, cognitive, nervous, emotional or behavioral





1 disorders, or other procedures directly related thereto within  
2 the scope of practice of psychology in accordance with rules and  
3 regulations adopted by the board.

4 "Psychologists certified to prescribe" means a licensed,  
5 doctoral-level psychologist who has undergone specialized  
6 education and training in preparation for prescriptive practice  
7 and has passed an examination accepted by the board relevant to  
8 establishing competence for prescribing, and has received from  
9 the board a current certificate granting prescriptive authority,  
10 which has not been revoked or suspended.

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

14 "Supervising physician" means a medically trained and  
15 licensed physician or psychiatrist who accepts professional  
16 responsibility for the provision of psychopharmacotherapy.

17 **§465-B Conditional prescription certificate; application.**

18 (a) A psychologist who applies for a conditional prescription  
19 certificate shall demonstrate all of the following by official  
20 transcript or other official evidence satisfactory to the board:

- 21 (1) The psychologist holds a current license in good  
22 standing to practice psychology in Hawaii;



1           (2) As defined by the board, and consistent with  
2           established policies of the American Psychological  
3           Association for educating and training psychologists  
4           in preparation for prescriptive authority:

5           (A) The psychologist shall have completed a master's  
6           degree in psychopharmacology or the equivalent.  
7           This is an organized sequence of study in an  
8           organized program offering intensive didactic  
9           education, and including the following core areas  
10          of instruction: basic life sciences,  
11          neurosciences, clinical and research pharmacology  
12          and psychopharmacology, clinical medicine and  
13          pathophysiology, physical assessment and  
14          laboratory examinations, clinical  
15          pharmacotherapeutics, research, professional,  
16          ethical and legal issues; and

17          (B) The psychologist shall have obtained relevant  
18          clinical experience sufficient to attain  
19          competency in the psychopharmacological treatment  
20          of a diverse patient population under the  
21          direction of a supervising physician. This  
22          consists of at least one year, involving four



1           hundred hours treating a diverse population of no  
2           fewer than one hundred patients with mental  
3           disorders including at least two hours of weekly  
4           supervision. The supervising physician shall not  
5           be in the employ of the person being directed or  
6           supervised;

7           (3) The psychologist shall pass an examination developed  
8           by a nationally recognized body (e.g., the American  
9           Psychological Association's Practice Organization's  
10          College of Professional Psychology) and approved by  
11          the board;

12          (4) The psychologist shall obtain a federal Drug  
13          Enforcement Administration registration number for  
14          limited use as restricted by state law;

15          (5) The psychologist shall have malpractice insurance in  
16          place sufficient to satisfy the rules adopted by the  
17          board, that covers the applicant during the period the  
18          conditional prescription certificate is in effect;

19          (6) The psychologist has met all other requirements, as  
20          determined by rules adopted by the board pursuant to  
21          chapter 91, for obtaining a conditional prescription  
22          certificate; and



1           (7) The psychologist is employed or contracted by and will  
 2           practice the prescribing authority at a federally  
 3           qualified health center established pursuant to Title  
 4           42 United States Code Section 1396.

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

8           (c) The conditional prescription certificate shall be  
 9           immediately relinquished by the psychologist if the psychologist  
 10          no longer meets the requirements of subsection (a).

11          **§465-C Conditional prescription certificate; powers,**  
 12          **duties, and responsibilities.** (a) A psychologist holding a  
 13          conditional prescription certificate shall:

14          (1) Continue to hold a current license to practice  
 15          psychology in Hawaii and continue to maintain  
 16          malpractice insurance;

17          (2) Inform the board of the name of the supervising  
 18          physician under whose supervision the psychologist  
 19          will prescribe psychotropic medication; provided that  
 20          the psychologist shall promptly inform the board of  
 21          any change of the supervising physician; and



1           (3) Maintain an ongoing collaborative relationship with  
2           the doctor of medicine who oversees the patient's  
3           general medical care.

4           (b) A psychologist holding a conditional prescription  
5 certificate shall be authorized to prescribe, administer,  
6 discontinue, or distribute without charge, drugs or controlled  
7 substances recognized in or customarily used in the diagnosis,  
8 treatment, and management of individuals with psychiatric,  
9 mental, cognitive, nervous, emotional or behavioral disorders  
10 and relevant to the practice of psychology, or other procedures  
11 directly related thereto within the scope of practice of  
12 psychology in accordance with rules and regulations adopted by  
13 the board. The authorization shall be limited to services  
14 provided to patients under the care of the psychologist and who  
15 are enrolled at the federally qualified health center identified  
16 by the board.

17           (c) When prescribing psychotropic medication for a  
18 patient, a psychologist holding a conditional prescription  
19 certificate shall maintain an ongoing collaborative relationship  
20 with the doctor of medicine who oversees the patient's general  
21 medical care to ensure that:

22           (1) Necessary medical examinations are conducted;



1 (2) The psychotropic medication is appropriate for the  
2 patient's medical condition; and

3 (3) Significant changes in the patient's medical or  
4 psychological condition are discussed.

5 (d) A prescription written by a psychologist holding a  
6 conditional prescription certificate shall:

7 (1) Comply with applicable state and federal laws;

8 (2) Be identified as issued by the psychologist as  
9 "psychologist certified to prescribe"; and

10 (3) Include the psychologist's board number or the  
11 identification number assigned by the department of  
12 commerce and consumer affairs.

13 (e) A psychologist holding a conditional prescription  
14 certificate shall not delegate prescriptive authority to any  
15 person. Records of all prescriptions shall be maintained in the  
16 prescribing psychologist's patient records.

17 (f) When authorized to prescribe controlled substances, a  
18 psychologist holding a conditional prescription certificate  
19 shall file with the board, in a timely manner, all individual  
20 federal Drug Enforcement Administration registration numbers.

21 **§465-D Prescription certificate.** (a) A psychologist who  
22 applies for a prescription certificate shall demonstrate all of



1 the following by official transcript or other official evidence  
2 satisfactory to the board:

3 (1) The psychologist has been issued a conditional  
4 prescription certificate and has successfully  
5 completed two years of prescribing psychotropic  
6 medication as certified by the supervising physician;

7 (2) The psychologist has successfully undergone a process  
8 of independent peer review approved by the department  
9 of commerce and consumer affairs;

10 (3) The psychologist holds a current license in good  
11 standing to practice psychology in Hawaii;

12 (4) The psychologist has malpractice insurance in place,  
13 sufficient to satisfy the rules adopted by the board,  
14 that will cover the applicant as a prescribing  
15 psychologist; and

16 (5) The psychologist meets all other requirements, as  
17 determined by rules adopted by the board pursuant to  
18 chapter 91, for obtaining a prescription certificate.

19 (b) The board shall issue a prescription certificate if it  
20 finds that the applicant has met all of the requirements of  
21 subsection (a).



1 (c) A psychologist with a prescription certificate may  
2 prescribe psychotropic medication if the psychologist:

3 (1) Continues to hold a current license to practice  
4 psychology in Hawaii and continues to maintain  
5 malpractice insurance;

6 (2) Annually satisfies the continuing education  
7 requirements for prescribing psychologists, as set by  
8 the board, which shall be no fewer than twenty hours  
9 each year, at least half of which shall be in  
10 pharmacology or psychopharmacology; and

11 (3) Continues to maintain an ongoing collaborative  
12 relationship directly or by telecommunication with the  
13 doctor of medicine who oversees the patient's general  
14 medical care to ensure that:

15 (A) Necessary medical examinations are conducted;

16 (B) Psychotropic medication prescribed is appropriate  
17 for the patient's medical condition; and

18 (C) Significant changes in the patient's medical or  
19 psychological condition are discussed.

20 (d) The prescription certificate shall be immediately  
21 relinquished by the psychologist if the psychologist no longer  
22 meets the requirements of subsection (a).





1           **§465-E Administration.** (a) The board shall adopt rules  
2 pursuant to chapter 91 establishing the procedures to be  
3 followed to obtain a conditional prescription certificate, a  
4 prescription certificate, and renewal of a conditional  
5 prescription certificate and prescription certificate. The  
6 board may set reasonable application and renewal fees.

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

17           (c) The board shall maintain current records on every  
18 prescribing psychologist, including federal registrations and  
19 numbers.

20           (d) The board shall provide to the board of pharmacy an  
21 annual list of psychologists holding a conditional prescription  
22 certificate or prescription certificate that contains the



1 information agreed upon between the board and the board of  
2 pharmacy. The board shall promptly provide the board of  
3 pharmacy with the names of any psychologists who are added or  
4 deleted from the list.

5 §465-F Narcotics; prohibited. This part shall not be  
6 construed to permit a psychologist holding a conditional  
7 prescription certificate or prescription certificate to  
8 administer or prescribe a narcotic."

9 SECTION 3. Chapter 465, Hawaii Revised Statutes, is  
10 amended by designating sections 465-1 to 465-15 as part I and  
11 adding a title before section 465-1, Hawaii Revised Statutes, to  
12 read as follows:

13 "PART I. GENERAL PROVISIONS"

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

16 "§465-3 Exemptions. (a) This chapter shall not apply to:

- 17 (1) Any person teaching, lecturing, consulting, or  
18 engaging in research in psychology insofar as the  
19 activities are performed as part of or are dependent  
20 upon employment in a college or university; provided  
21 that the person shall not engage in the practice of



- 1            psychology outside the responsibilities of the  
2            person's employment;
- 3            (2) Any person who performs any, or any combination of the  
4            professional services defined as the practice of  
5            psychology under the direction of a licensed  
6            psychologist in accordance with rules adopted by the  
7            board; provided that the person may use the term  
8            "psychological assistant", but shall not identify the  
9            person's self as a psychologist or imply that the  
10           person is licensed to practice psychology;
- 11           (3) Any person employed by a local, state, or federal  
12           government agency in a school psychologist or  
13           psychological examiner position, or a position that  
14           does not involve diagnostic or treatment services, but  
15           only at those times when that person is carrying out  
16           the functions of such government employment;
- 17           (4) Any person who is a student of psychology, a  
18           psychological intern, or a resident in psychology  
19           preparing for the profession of psychology under  
20           supervision in a training institution or facility and  
21           who is designated by a title as "psychology trainee",  
22           "psychology student", "psychology intern", or



1 "psychology resident", that indicates the person's  
2 training status; provided that the person shall not  
3 identify the person's self as a psychologist or imply  
4 that the person is licensed to practice psychology;

5 (5) Any person who is a member of another profession  
6 licensed under the laws of this jurisdiction to render  
7 or advertise services, including psychotherapy, within  
8 the scope of practice as defined in the statutes or  
9 rules regulating the person's professional practice;  
10 provided that, notwithstanding section 465-1, the  
11 person does not represent the person's self to be a  
12 psychologist or does not represent that the person is  
13 licensed to practice psychology;

14 (6) Any person who is a member of a mental health  
15 profession not requiring licensure; provided that the  
16 person functions only within the person's professional  
17 capacities; and provided further that the person does  
18 not represent the person to be a psychologist, or the  
19 person's services as psychological; or

20 (7) Any person who is a duly recognized member of the  
21 clergy; provided that the person functions only within  
22 the person's capacities as a member of the clergy; and



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

4 (b) Nothing in this chapter shall in any way restrict any  
5 person from carrying on any of the psychological activities as  
6 defined in section 465-1; provided that [~~such~~] the person does  
7 not offer psychological services as defined in this chapter  
8 except as such activities are incidental to the person's lawful  
9 occupational purpose.

10 (c) A person may use the title of  
11 industrial/organizational psychologist, provided that the person  
12 registers with the board, and:

- 13 (1) Is professionally competent in the practice of  
14 industrial/organizational psychology; [~~and~~]
- 15 (2) Holds a doctoral degree from an accredited institution  
16 of higher education with training and education in  
17 industrial/organizational psychology, satisfactory to  
18 the board; and
- 19 (3) Provides psychological service or consultation to  
20 organizations [~~which~~] that does not involve the  
21 delivery or supervision of direct psychological  
22 services to individuals or groups of individuals,



1 without regard to the source or extent of payment for  
2 services rendered.

3 (d) Nothing in this chapter shall prevent the provision of  
4 expert testimony by a psychologist who is otherwise exempted by  
5 this chapter.

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

10 SECTION 5. In codifying the new sections added by section  
11 2 of this Act, the revisor of statutes shall substitute  
12 appropriate section numbers for the letters used in designating  
13 the new sections in this Act.

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 2009.  
17

INTRODUCED BY:

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**Report Title:**

Prescriptive Authority; Psychologist

**Description:**

Authorizes prescriptive authority for qualified psychologists who practice at a federally qualified health center.

