
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 some
3 citizens across the State of Hawaii. The delivery of
4 comprehensive, accessible, and affordable mental health medical
5 care may be enhanced by providing trained medical psychologists,
6 licensed in Hawaii, with prescriptive authority. The
7 legislature has previously authorized prescription privileges to
8 advanced practice registered nurses, optometrists, dentists,
9 podiatrists, osteopaths, and physician assistants. Further,
10 psychologists with appropriate credentials have been allowed to
11 prescribe medications to active duty military personnel and
12 their families in federal facilities and the Indian Health
13 Service for years. In recent years, Louisiana (2004) and New
14 Mexico (2002) adopted legislation authorizing prescriptive
15 authority for psychologists for appropriately trained
16 psychologists without regard to the service setting.

17 The legislature acknowledges that the United States Public
18 Health Service, Health Resources and Services Administration,



1 has officially designated much of the State of Hawaii as a
2 mental health professional shortage area. In addition to rural
3 areas where geographic isolation is an obvious reason for
4 shortage problems, urban areas located minutes from downtown
5 Honolulu, such as Kalihi-Palama and Kalihi Valley, have also
6 received this shortage designation. The nearly statewide
7 shortage designations indicate that both rural and urban areas
8 suffer when it comes to accessing mental health care.

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

18 In Hawaii, six domestic violence murders (three of which
19 were murder-suicides) occurred within six months in 2008,
20 compared to an average of nine domestic killings from 1996
21 through 2006. The Hawaii State Coalition Against Domestic
22 Violence acknowledged that these are the highest numbers in



1 decades. Many perpetrators of domestic violence murders are not
2 obviously troubled. They represent the general population, and
3 rural and urban areas of Hawaii.

4 Last year, information from the Honolulu police department
5 revealed that in 2006, 1,435 people were involuntarily taken to
6 emergency rooms for psychiatric evaluation and treatment.

7 During the first four months of 2007, the Honolulu police
8 department responded to four hundred and four calls to assist in
9 psychological crises that required emergency attention. Based
10 on a review of the records, approximately fifty-four per cent of
11 these calls resulted from inadequate medication management.

12 At the same time that mental health needs are apparently
13 growing, resources in the State that are available for treatment
14 and assistance are being reduced. Due to the State's budget
15 crisis, the department of health experienced significant funding
16 cuts totaling approximately \$25,000,000 for fiscal year 2009 and
17 will be faced with an additional twenty per cent in cuts for
18 fiscal year 2010. In certain parts of the State such as West
19 Hawaii, Waianae, Kaneohe and most recently, Molokai, the
20 department of health's adult mental health division clinics have
21 undergone severe cuts that have forced some clinics to close
22 their doors entirely, leaving hundreds of patients with severe



1 and persistent mental illness without adequate medication
2 management and overall treatment.

3 Since 2000, twenty psychologists, all born and raised in
4 Hawaii, have received additional training in psychopharmacology
5 through the Tripler Army Medical Center and Argosy University.
6 These psychologists have actively collaborated with primary care
7 physicians to provide combined therapy and psychopharmacological
8 care to medically underserved patient populations at twelve
9 federally qualified health centers such as Bay Clinic, Hana,
10 Molokai, Kauai, Waianae, Kalihi-Palama, Waimanalo, Ko'olauloa,
11 West Hawaii, Kokua Kalihi Valley, and Waikiki, as well as two
12 native Hawaiian healthcare system clinics located in federally
13 designated medically underserved areas on Molokai and Maui.
14 This psychology training program has increased the state
15 workforce of uniquely trained psychologists who are culturally
16 competent and able to work effectively with primary care teams
17 to provide population-based behavioral health care. As a
18 result, thousands of native Hawaiians and other ethnic
19 minorities have received the necessary combined therapy and
20 psychopharmacological care that has been historically lacking to
21 address significant mental and behavioral health care needs.



1 For example, psychologists at the Waianae Coast
2 Comprehensive Health Center completed approximately 3,840
3 patient encounters in 2004; seventy per cent of these patients
4 received necessary psychotropic medication for the treatment of
5 mental illness. Currently, psychologists hold full or part-time
6 staff positions in ten of the fourteen federally qualified
7 health centers across the State and continue to maintain
8 successful collaborative relationships with primary care
9 physicians for mental health treatment of the underserved.

10 Psychologists are licensed health professionals with an
11 average of seven years of post-baccalaureate study and three
12 thousand hours of post-graduate supervised practice in the
13 diagnosis and treatment of mental illness. Because the current
14 scope of psychologists' practice does not include prescribing
15 medications, patients must consult with and pay for another
16 health care provider to obtain psychotropic medications.
17 However, practitioners with prescriptive authority are not
18 accessible in some areas of the State. Further, they are not
19 available to some populations, such as the uninsured or under-
20 insured, who are often turned away from psychiatrists who do not
21 accept certain forms of health care insurance such as Ohana
22 Health Care or Evercare.



1 Research data demonstrates that there is an insufficient
2 amount of prescribing mental health care providers available to
3 serve the needs of the people in Hawaii. Based upon prevalence
4 rates provided by the Substance Abuse and Mental Health Services
5 Administration and reported in "The Behavioral Health Workforce
6 in Hawai'i: A Status Report" (January 2008), 40.4 per cent of
7 the population diagnosed with severe and persistent mental
8 illness received services from the department of health, adult
9 mental health division. In 2007, 14,276 out of a total of
10 52,064 adults with severe mental illness received services
11 through the department of health adult mental health division.
12 This indicates that approximately 37,788 individuals may not
13 have received necessary mental health services. Adults
14 diagnosed with severe mental illness represent more than five
15 per cent of the total state population, which does not include
16 individuals with other clinical diagnoses such as unipolar
17 depression, anxiety disorders, adjustment disorders, substance
18 abuse, or post-traumatic stress disorder.

19 Since 1988, federal law has recognized the extraordinarily
20 poor health of native Hawaiians. According to the 2000 United
21 States Census, significant health disparities exist for native
22 Hawaiians and other Pacific Islanders as compared to other races



1 for certain health concerns such as diabetes mellitus, infant
2 mortality, hepatitis B, and asthma. Compared to other
3 indigenous and minority populations, native Hawaiians have the
4 highest rates of untreated medical and psychological conditions
5 in the United States. Recent concerns include the widespread
6 impact of crystal methamphetamine addiction and related issues,
7 which are especially prevalent in areas with a large native
8 Hawaiian population, such as Waianae, Molokai, Waimanalo, Maui,
9 Puna, and Kau. The crystal methamphetamine epidemic, coupled
10 with the economic and cultural distress of the native Hawaiian
11 population, has created unprecedented demand for services from
12 an already overburdened mental health system. Further
13 exacerbating the dire need for mental health treatment is the
14 reluctance of individuals from some cultural backgrounds to seek
15 treatment, due to the perceived stigma of mental health
16 problems. Timely access to accurate diagnosis and effective
17 treatment of emotional and behavioral disorders may contribute
18 substantially to the State's responsibilities to Hawaii's
19 "Felix" children and needy adults in underserved rural and urban
20 areas.

21 Co-occurring physical and mental health disorders represent
22 another area of health care in need of significant attention.



1 Community health centers are an ideal outpatient primary care
2 setting in which to incorporate integrated models of care that
3 provide an adequate safety net for underserved populations in
4 need of both physical and mental health treatment. Chronic
5 illnesses with known psychological components that may be a
6 factor in the development or intensification of physical
7 symptoms that include coronary artery disease, arthritis,
8 diabetes, hypertension, and asthma. For example, rates of
9 depression are higher in patients with diabetes than in those
10 without diabetes, and depression has been associated with a
11 higher risk for diabetic complications, poor control of blood
12 sugar levels, and a reduced quality of life. Similarly,
13 depression, anxiety, and generalized psychological distress may
14 significantly impact the severity of asthma and should be
15 treated simultaneously with the patient's medical treatment. As
16 many as thirty per cent of asthma patients also have symptoms of
17 panic disorder and an additional thirteen per cent are
18 agoraphobic.

19 The American Psychological Association has developed a
20 model curriculum for a master's degree in psychopharmacology for
21 the education and training of prescribing psychologists.

22 Independent evaluations by the United States General Accounting



1 Office and the American College of Neuropsychopharmacology of a
2 similar post-doctoral program established by the United States
3 Department of Defense found that appropriately trained post-
4 doctoral clinical psychologists prescribed safely and
5 effectively.

6 The purpose of this Act is to authorize appropriately
7 trained and supervised psychologists to prescribe psychotropic
8 medications for the treatment of mental illness at certain
9 health care facilities.

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

13 **"PART . PRESCRIPTION CERTIFICATION**

14 **§465-A Definitions.** As used in this part, unless the
15 context otherwise requires:

16 "Board" means the board of psychology established under
17 section 465-4.

18 "Clinical experience" means a period of supervised clinical
19 training and practice in which clinical diagnoses and
20 interventions are learned and that are conducted and supervised
21 as part of the training program.



1 "Narcotics" means natural and synthetic opioid analgesics
2 and their derivatives used to relieve pain.

3 "Prescription" is an order for a drug, laboratory test, or
4 any medicine, device, or treatment, including a controlled
5 substance.

6 "Prescriptive authority" means the authority to prescribe,
7 administer, discontinue, or distribute without charge, drugs, or
8 controlled substances recognized in or customarily used in the
9 diagnosis, treatment, and management of individuals with
10 psychiatric, mental, cognitive, nervous, emotional, or
11 behavioral disorders within the scope of the practice of
12 psychology in accordance with rules adopted by the board.

13 "Psychologist certified to prescribe" means a licensed
14 psychologist who has:

- 15 (1) Completed a doctoral degree in psychology;
- 16 (2) Completed specialized psychopharmacology education and
17 training relating to prescriptive practice;
- 18 (3) Passed an examination accepted by the board relevant
19 to establishing competence for prescribing; and
- 20 (4) Received from the board a current certificate granting
21 prescriptive authority that has not been revoked or
22 suspended.



1 "Psychotropic medication" means only antipsychotic,
2 antidepressant, or anti-anxiety medications approved by the
3 United States Food and Drug Administration for the treatment of
4 mental and emotional disorders provided that the term shall not
5 include narcotics.

6 "Supervising physician" means a medically trained and
7 licensed physician, including an osteopathic physician or
8 psychiatrist, who accepts professional responsibility for the
9 provision of psychopharmacotherapy by a psychologist with
10 prescriptive authority.

11 **§465-B Conditional prescription certificate; application.**

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

- 15 (1) A current license in good standing under part I;
16 (2) As defined by the board, and consistent with
17 established policies of the American Psychological
18 Association for educating and training psychologists
19 in preparation for prescriptive authority:

20 (A) A master's degree in psychopharmacology that
21 includes study in an organized program offering
22 intensive didactic education, and including the



1 following core areas of instruction: basic life
2 sciences, neurosciences, clinical and research
3 pharmacology and psychopharmacology, clinical
4 medicine and pathophysiology, physical assessment
5 and laboratory examinations, clinical
6 pharmacotherapeutics, research, professional,
7 ethical and legal issues; and

8 (B) Clinical experience sufficient to attain
9 competency in the psychopharmacological treatment
10 of a diverse patient population under the
11 direction of a supervising physician, which
12 consists of not less than one year, including
13 four hundred hours treating a diverse population
14 of no less than one hundred patients with mental
15 disorders including at least two hours of weekly
16 supervision by a licensed physician. The
17 supervising physician shall not be in the employ
18 of the person being directed or supervised;

19 (3) Successful completion of an examination developed by a
20 nationally recognized body (e.g., the American
21 Psychological Association's Practice Organization's



- 1 College of Professional Psychology) and approved by
2 the board;
- 3 (4) A federal Drug Enforcement Administration registration
4 number for limited use as restricted by this part;
- 5 (5) Malpractice insurance coverage sufficient to comply
6 with rules adopted by the board, which covers the
7 applicant during the period the conditional
8 prescription certificate is in effect;
- 9 (6) Completion of all other requirements, as determined by
10 rules adopted by the board pursuant to chapter 91, for
11 obtaining a conditional prescription certificate; and
- 12 (7) Employment, including by contract, at an appropriate
13 health care facility, including:
- 14 (A) A federally qualified health center established
15 pursuant to Title 42 United States Code Section
16 1396;
- 17 (B) A licensed health clinic located in a federally
18 designated medically underserved area as defined
19 by title 42 Code of Federal Regulations part 62;
20 or
- 21 (C) A licensed health clinic located in a mental
22 health professional shortage area.



1 (b) The board shall issue a conditional prescription
2 certificate only if the applicant has met all of the
3 requirements of subsection (a).

4 A conditional prescription certificate issued by the board
5 shall be immediately relinquished by the psychologist if the
6 psychologist no longer meets the 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) Maintain a current license under part I and
11 malpractice insurance at all times;
- 12 (2) Inform the board of the name of the supervising
13 physician under whose supervision the psychologist
14 will prescribe psychotropic medication; provided that
15 the psychologist shall promptly inform the board of
16 any change of the supervising physician; and
- 17 (3) Maintain an ongoing collaborative relationship with
18 the physician who oversees each patient's general
19 medical care.

20 (b) A psychologist holding a conditional prescription
21 certificate shall be authorized to prescribe, administer,
22 discontinue, or distribute without charge, drugs or controlled



1 substances recognized in or customarily used in the diagnosis,
2 treatment, and management of individuals with psychiatric,
3 mental, cognitive, nervous, emotional, or behavioral disorders
4 and relevant to the practice of psychology, within the scope of
5 practice of psychology in accordance with rules adopted by the
6 board; provided that the authorization shall be limited to
7 services provided to patients under the care of the psychologist
8 and who are enrolled at a facility as indicated in section
9 465-B(a)(7).

10 (c) When prescribing psychotropic medication for a
11 patient, a psychologist holding a conditional prescription
12 certificate shall maintain an ongoing collaborative relationship
13 with the physician who oversees the patient's general medical
14 care to ensure that:

- 15 (1) Necessary medical examinations are conducted;
16 (2) The psychotropic medication is appropriate for the
17 patient's medical condition; and
18 (3) Significant changes in the patient's medical or
19 psychological condition are discussed.

20 (d) A prescription issued by a psychologist holding a
21 conditional prescription certificate shall:

- 22 (1) Comply with applicable state and federal laws;



1 (2) Clearly identify the issuing psychologist as a
2 psychologist certified to prescribe; and

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

6 (e) A psychologist holding a conditional prescription
7 certificate shall not delegate prescriptive authority to any
8 other person. The prescribing psychologist shall maintain
9 records of all prescriptions issued to patients.

10 (f) A psychologist holding a conditional prescription
11 certificate shall file with the board, in a timely manner, the
12 individual's federal Drug Enforcement Administration
13 registration numbers.

14 **§465-D Prescription certificate.** (a) A psychologist who
15 applies for a prescription certificate shall demonstrate by
16 official transcript or other official evidence satisfactory to
17 the board that:

18 (1) The psychologist has been issued a conditional
19 prescription certificate and has successfully
20 completed two years of prescribing psychotropic
21 medication as certified by the supervising physician;



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

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

6 (4) The psychologist has malpractice insurance coverage,
7 sufficient to comply with the rules adopted by the
8 board, that will cover the applicant as a prescribing
9 psychologist; and

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

13 (b) The board shall issue a prescription certificate if
14 the applicant meets all of the requirements of subsection (a).

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

17 (1) Is licensed under part I and maintains malpractice
18 insurance;

19 (2) Annually satisfies the continuing education
20 requirements for prescribing psychologists, as
21 established by the board, which shall be no less than



1 twenty hours each year, at least half of which shall
2 be in pharmacology or psychopharmacology;

3 (3) Continues to prescribe only as an employed or
4 contracted provider of a federally qualified health
5 center; and

6 (4) Continues to maintain an ongoing collaborative
7 relationship directly or by telecommunication with the
8 physician who oversees each patient's general medical
9 care to ensure that:

10 (A) Necessary medical examinations are conducted;

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

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

15 (d) The prescription certificate shall be immediately
16 relinquished by the psychologist to the board if the
17 psychologist no longer meets the requirements of subsection (a).

18 **§465-E Administration.** (a) The board shall adopt rules
19 pursuant to chapter 91 establishing the procedures to obtain a
20 conditional prescription certificate, a prescription
21 certificate, and renewal of a conditional prescription



1 certificate and prescription certificate. The board may
2 establish reasonable application and renewal fees.

3 (b) The board shall adopt rules pursuant to chapter 91
4 establishing the grounds for denial, suspension, or revocation
5 of a conditional prescription certificate and a prescription
6 certificate, including provisions for suspension or revocation
7 of a license under part I upon suspension or revocation of a
8 conditional prescription certificate or prescription
9 certificate. Actions of denial, suspension, or revocation of a
10 conditional prescription certificate or a prescription
11 certificate shall be in accordance with this chapter.

12 (c) The board shall maintain current records on every
13 prescribing psychologist, including federal Drug Enforcement
14 Agency registration numbers.

15 (d) The board shall provide to the board of pharmacy an
16 annual list of psychologists holding a conditional prescription
17 certificate or prescription certificate that contains the
18 information agreed upon between the board and the board of
19 pharmacy. The board shall promptly provide the board of
20 pharmacy with the names of any psychologists who are added or
21 deleted from the list.



1 **§465-F Narcotics; prohibited.** This part shall not be
2 construed to permit a psychologist holding a conditional
3 prescription certificate or prescription certificate to
4 administer or prescribe narcotics of any type."

5 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
6 amended by designating sections 465-1 to 465-15 as part I,
7 entitled: "GENERAL PROVISIONS".

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

10 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

11 (1) Any person teaching, lecturing, consulting, or
12 engaging in research in psychology insofar as the
13 activities are performed as part of or are dependent
14 upon employment in a college or university; provided
15 that the person shall not engage in the practice of
16 psychology outside the responsibilities of the
17 person's employment;

18 (2) Any person who performs any, or any combination of the
19 professional services defined as the practice of
20 psychology under the direction of a licensed
21 psychologist in accordance with rules adopted by the
22 board; provided that the person may use the term



- 1 "psychological assistant", but shall not identify the
2 person's self as a psychologist or imply that the
3 person is licensed to practice psychology;
- 4 (3) Any person employed by a local, state, or federal
5 government agency in a school psychologist or
6 psychological examiner position, or a position that
7 does not involve diagnostic or treatment services, but
8 only at those times when that person is carrying out
9 the functions of such government employment;
- 10 (4) Any person who is a student of psychology, a
11 psychological intern, or a resident in psychology
12 preparing for the profession of psychology under
13 supervision in a training institution or facility and
14 who is designated by a title as "psychology trainee",
15 "psychology student", "psychology intern", or
16 "psychology resident", that indicates the person's
17 training status; provided that the person shall not
18 identify the person's self as a psychologist or imply
19 that the person is licensed to practice psychology;
- 20 (5) Any person who is a member of another profession
21 licensed under the laws of this jurisdiction to render
22 or advertise services, including psychotherapy, within



1 the scope of practice as defined in the statutes or
2 rules regulating the person's professional practice;
3 provided that, notwithstanding section 465-1, the
4 person does not represent the person's self to be a
5 psychologist or does not represent that the person is
6 licensed to practice psychology;

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

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

19 (b) Nothing in this chapter shall in any way restrict any
20 person from carrying on any of the psychological activities as
21 defined in section 465-1; provided that such person does not
22 offer psychological services as defined in this chapter except



1 as such activities are incidental to the person's lawful
2 occupational purpose.

3 (c) A person may use the title of
4 industrial/organizational psychologist, provided that the person
5 registers with the board, and:

6 (1) Is professionally competent in the practice of
7 industrial/organizational psychology; [and]

8 (2) Holds a doctoral degree from an accredited institution
9 of higher education with training and education in
10 industrial/organizational psychology, satisfactory to
11 the board; and

12 (3) Provides psychological service or consultation to
13 organizations [~~which~~] that does not involve the
14 delivery or supervision of direct psychological
15 services to individuals or groups of individuals,
16 without regard to the source or extent of payment for
17 services rendered.

18 (d) Nothing in this chapter shall prevent the provision of
19 expert testimony by a psychologist who is otherwise exempted by
20 this chapter.

21 ~~[(e) Nothing in this chapter shall be construed as~~
22 ~~permitting the administration or prescription of drugs, or in~~



1 ~~any way engaging in the practice of medicine as defined in the~~
2 ~~laws of the State.]"~~

3 SECTION 5. In codifying the new sections added by
4 section 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2011, and
10 shall be repealed on June 30, 2015; provided that section 465-3,
11 Hawaii Revised Statutes, shall be reenacted in the form in which
12 it read on the day before the effective date of this Act.

13

INTRODUCED BY: *Hele Carroll*

JAN 21 2011



Report Title:

Prescriptive Authority; Psychologists

Description:

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

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

