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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 residents  
3 across the State of Hawaii. The delivery of comprehensive,  
4 accessible, and affordable mental health medical care has been  
5 demonstrably enhanced by collaborative practice among licensed  
6 clinical psychologists with prescriptive authority and medical  
7 doctors in federal facilities and programs as well as states  
8 that have authorized prescriptive authority for psychologists.  
9 The legislature finds that providing limited prescriptive  
10 authority to qualified, licensed clinical psychologists, subject  
11 to supervision by a licensed medical doctor, will make  
12 comprehensive mental health care more accessible to medically  
13 underserved residents of the State. The legislature  
14 acknowledges that the Health Resources and Services  
15 Administration of the United States Department of Health and  
16 Human Services has officially designated much of the State,  
17 including isolated rural locations and urban areas with high  
18 population densities, as a mental health professional shortage



1 area. This designation highlights the critical need for  
2 expansion of available mental health services and development of  
3 a corps of mental health professionals to serve the currently  
4 unmet needs of Hawaii's population.

5 The legislature has previously authorized prescription  
6 privileges for advanced practice registered nurses,  
7 optometrists, dentists, podiatrists, and physician assistants.  
8 These practitioners have been granted prescriptive authority  
9 based on demonstration of specific training, education, and  
10 practical competency. Education and training criteria such as  
11 degree and minimum experience requirements and passage of  
12 national board examinations have worked well to assure quality  
13 of services. Limitations on authority including the use of  
14 approved formularies, limited practice areas, and prohibitions  
15 on accepting or distributing drug samples have served to deter  
16 abuses in the system and to prevent the inappropriate practice  
17 of general medicine. Prescriptive authority for non-physician  
18 practitioners with varying types of limitations and supervision  
19 requirements has proven manageable and has expanded access to  
20 important health care services for patients across the state.

21 Clinical psychologists with appropriate training have been  
22 allowed to prescribe medications to active duty military



1 personnel and their families in federal facilities and the  
2 federal Indian health service program for years. In recent  
3 years, Louisiana and New Mexico have adopted legislation  
4 authorizing prescriptive authority for appropriately trained  
5 psychologists without regard to the service setting.

6 Since 2000, twenty psychologists in this State have  
7 received psychopharmacological training through the Tripler Army  
8 Medical Center psychology training program. These psychologists  
9 have actively collaborated with primary care physicians to  
10 provide combined therapy and psychopharmacological care to a  
11 medically underserved patient population at eleven federally  
12 qualified health centers: Bay Clinic, Hana, Molokai, Kauai,  
13 Waianae, Kalihi-Palama, Waimanalo, Koolauloa, West Hawaii, Kokua  
14 Kalihi Valley, and Waikiki, as well as a native Hawaiian health  
15 care system clinic located in a federally designated medically  
16 underserved area on Molokai.

17 The American Psychological Association has developed a  
18 model curriculum for a master's degree in psychopharmacology for  
19 the education and training of prescribing psychologists. This  
20 curriculum is currently available within the State at Argosy  
21 University and the University of Hawaii at Hilo's college of  
22 pharmacy. Independent evaluations of the United States



1 Department of Defense psychopharmacological demonstration  
2 project by the United States General Accounting Office, now  
3 known as the Government Accountability Office, and the American  
4 College of Neuropsychopharmacology, as well as the experiences  
5 of New Mexico and Louisiana, have demonstrated that  
6 appropriately trained clinical psychologists can prescribe  
7 psychotropic medications safely and effectively.

8 The purpose of this Act is to create a multi-phase, five-  
9 year, pilot project to allow qualified psychologists to  
10 prescribe psychotropic medications for the treatment of mental  
11 illness to patients under the psychologist's care at a federally  
12 qualified health center.

13 SECTION 2. (a) There is created a pilot program to be  
14 administered by the board of psychology to allow clinical  
15 psychologists licensed pursuant to chapter 465, Hawaii Revised  
16 Statutes, to prescribe psychotropic medications only to patients  
17 treated by the psychologist at a federally qualified health  
18 center.

19 (b) A licensed clinical psychologist shall be eligible to  
20 apply to participate in the pilot program created pursuant to  
21 this Act if the psychologist:



- 1 (1) Meets the requirements for licensure set forth in  
2 section 465-7, Hawaii Revised Statutes;
- 3 (2) Completed specialized education and training in  
4 preparation for prescriptive practice approved by the  
5 American Psychological Association and the board of  
6 psychology;
- 7 (3) Passed the Psychopharmacological Examination for  
8 Psychologists or an equivalent national examination  
9 relevant to establishing competence for prescriptive  
10 practice approved by the board of psychology;
- 11 (4) Is employed by, including as a contract provider, a  
12 federally qualified health center in this State; and
- 13 (5) Meets any other requirements established by the board  
14 of psychology.
- 15 (c) The pilot program created pursuant to this Act shall  
16 be a five-year program that shall allow participating  
17 psychologists to prescribe psychotropic medications under the  
18 supervision of a licensed physician as follows:
- 19 (1) In the first two years, participating psychologists  
20 shall practice only at Waianae Coast Comprehensive  
21 Health Center and shall receive training and be  
22 directly supervised by a physician at that location;



- 1 (2) After the first year of the pilot program, the  
2 supervising physician at Waianae Coast Comprehensive  
3 Health Center shall continue to train and supervise  
4 participating psychologists and may recruit additional  
5 physicians at other federally qualified health centers  
6 in the State to train and supervise participating  
7 psychologists at those locations;
- 8 (3) Participating psychologists shall be directly  
9 supervised by supervising physicians at a federally  
10 qualified health center for the first two years of the  
11 psychologists' participation in the pilot program;
- 12 (4) After completing two years of direct supervision,  
13 participating psychologists shall maintain a  
14 collaborative and collegial relationship with a  
15 supervising physician and with the medical doctors who  
16 oversee the general medical care of the participating  
17 psychologist's patients at a federally qualified  
18 health center and shall exercise prescriptive  
19 authority only for patients treated by the  
20 psychologist at the federally qualified health center.
- 21 (d) At the end of the fourth year of the pilot program,  
22 the board of psychology shall prepare a report, under the



1 direction of the supervising physicians of the pilot program and  
2 with input from participating psychologists and the physicians  
3 and administrators of participating federally qualified health  
4 centers, to be submitted to the legislature no later than twenty  
5 days prior to the convening of the regular session of 2016. The  
6 report prepared by the board of psychology shall include:

- 7 (1) The number and type of patients served by  
8 participating psychologists;
- 9 (2) Treatment services outcomes of patients treated by  
10 participating psychologists;
- 11 (3) Whether and how the pilot program improved access to  
12 mental health care; and
- 13 (4) Patient satisfaction with mental health care provided  
14 by participating psychologists.

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

18 "PART . PRESCRIPTION CERTIFICATION

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

21 "Board" means the board of psychology established under  
22 section 465-4.



1 "Clinical experience" means a period of supervised clinical  
2 training and practice involving clinical diagnoses and  
3 interventions that are conducted and supervised as part of a  
4 training program.

5 "Laboratory tests" means any laboratory blood or urine drug  
6 screen test necessary to monitor the general health of a patient  
7 receiving psychotropic medication.

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

10 "Prescription" is an order for a drug, laboratory test, or  
11 medicine, device, or treatment, as defined by state law.

12 "Prescriptive authority" means the authority to prescribe,  
13 administer, discontinue, or distribute without charge, drugs or  
14 controlled substances recognized in or customarily used in the  
15 diagnosis, treatment, and management of individuals with  
16 psychiatric, mental, cognitive, nervous, emotional, or  
17 behavioral disorders, or other procedures directly related  
18 thereto within the scope of practice of psychology in accordance  
19 with rules adopted by the board.

20 "Psychiatrist" means a medical doctor licensed to practice  
21 medicine pursuant to chapter 453 who has completed and





1 successfully passed a specialized four-year residency program in  
2 the practice of psychiatry.

3 "Psychologist certified to prescribe" means a licensed,  
4 doctoral-level clinical psychologist who has:

- 5 (1) Completed specialized education and training in  
6 preparation for prescriptive practice;
- 7 (2) Passed the Psychopharmacological Examination for  
8 Psychologists or an equivalent national examination  
9 accepted by the board relevant to establishing  
10 competence for prescribing; and
- 11 (3) Received from the board a current certificate granting  
12 prescriptive authority, which has not been revoked or  
13 suspended.

14 "Psychopharmacology" means the use of psychoactive drugs in  
15 the treatment or control of mental disorders or psychiatric  
16 disease.

17 "Psychotropic medication" means only those agents related  
18 to the diagnosis and treatment of mental and emotional disorders  
19 including controlled substances but not including narcotics.

20 "Supervising physician" means a medically trained and  
21 licensed physician or psychiatrist who accepts professional



1 responsibility for the provision of psychopharmacotherapy by a  
2 psychologist certified to prescribe.

3 §465- Conditional prescription certificate; application.

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

7 (1) A current clinical license in good standing to  
8 practice psychology in Hawaii;

9 (2) Consistent with established policies of the American  
10 Psychological Association for educating and training  
11 psychologists in preparation for prescriptive  
12 authority:

13 (A) A master's degree in psychopharmacology that  
14 reflects an organized sequence of study in an  
15 organized program offering intensive didactic and  
16 practical education, and includes the following  
17 core areas of instruction: basic life sciences,  
18 neurosciences, clinical and research pharmacology  
19 and psychopharmacology, clinical medicine and  
20 pathophysiology, physical assessment and  
21 laboratory examinations, clinical



1 pharmacotherapeutics, research, and professional,  
2 ethical and legal issues; and

3 (B) Relevant clinical experience sufficient to attain  
4 competency in the psychopharmacological treatment  
5 of a diverse patient population under the  
6 direction of a supervising physician that  
7 consists of not less than two years and involves  
8 at least four hundred hours treating a diverse  
9 population of no fewer than one hundred patients  
10 with mental disorders including at least two  
11 hours of weekly on-site supervision per year by a  
12 supervising physician who is not employed by the  
13 psychologist being directed or supervised;

14 (3) Successful completion of the Psychopharmacological  
15 Examination for Psychologists or an equivalent  
16 national examination relevant to establishing  
17 competence for prescribing and approved by the board;

18 (4) A federal Drug Enforcement Administration registration  
19 number for limited use as restricted by state law;

20 (5) Malpractice insurance sufficient to satisfy the rules  
21 adopted by the board, that covers the applicant during



1 the period the conditional prescription certificate is  
2 in effect;

3 (6) Completion of all other requirements, as determined by  
4 rules adopted by the board pursuant to chapter 91, for  
5 obtaining a conditional prescription certificate; and

6 (7) Employment, including by contract, and an intent to  
7 practice the prescriptive authority at a federally  
8 qualified health center established pursuant to Title  
9 42 United States Code Section 1396.

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

13 (c) The conditional prescription certificate shall be  
14 immediately relinquished by the psychologist if the psychologist  
15 no longer meets the requirements of subsection (a).

16 **§465- Conditional prescription certificate; powers,**  
17 **duties, and responsibilities.** (a) A psychologist holding a  
18 conditional prescription certificate shall:

19 (1) Hold a current license to practice psychology in  
20 Hawaii and maintain malpractice insurance;

21 (2) Complete the first year of practice under a  
22 conditional prescription certificate under the



1 direction of a supervising physician who is not  
2 employed by the psychologist being directed or  
3 supervised; provided that supervision pursuant to this  
4 paragraph shall include training in diagnostic  
5 laboratory tests, diagnostic imaging, and  
6 electroencephalogram tests;

7 (3) Inform the board of the name of the supervising  
8 physician under whose supervision the psychologist  
9 will prescribe psychotropic medication; provided that  
10 the psychologist shall promptly inform the board of  
11 any change of the supervising physician; and

12 (4) Maintain an ongoing collaborative relationship  
13 pursuant to subsection (c) with the doctors of  
14 medicine who oversee the general medical care of the  
15 psychologist's patients.

16 (b) A psychologist holding a conditional prescription  
17 certificate shall be authorized to prescribe, administer,  
18 discontinue, or distribute without charge, drugs or controlled  
19 substances recognized in or customarily used in the diagnosis,  
20 treatment, and management of individuals with psychiatric,  
21 mental, cognitive, nervous, emotional, or behavioral disorders  
22 and relevant to the practice of psychology, or other procedures



1 directly related thereto within the scope of practice of  
2 psychology in accordance with rules adopted by the board. The  
3 authorization to prescribe shall be limited to prescriptions for  
4 patients under the care of the psychologist at federally  
5 qualified health centers pursuant to Title 42 United States Code  
6 Section 1396 identified to the board as the psychologist's  
7 practice location.

8 (c) When prescribing psychotropic medication for a  
9 patient, a psychologist holding a conditional prescription  
10 certificate shall maintain an ongoing collaborative relationship  
11 with the doctors of medicine who oversee the general medical  
12 care of the psychologist's patients to ensure that:

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

18 (d) A prescription for psychotropic medication written by  
19 a psychologist holding a conditional prescription certificate  
20 shall:

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



1 (2) Be identified as issued by a "psychologist certified  
2 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 person. Records of all prescriptions shall be maintained in the  
9 prescribing psychologist's patient records.

10 §465- Prescription certificate. (a) A psychologist who  
11 applies for a prescription certificate shall demonstrate all of  
12 the following by official transcript or other official evidence  
13 satisfactory to the board:

14 (1) A conditional prescription certificate, which includes  
15 successful completion of two years of prescribing  
16 psychotropic medication as certified by a supervising  
17 physician;

18 (2) A current license in good standing to practice  
19 psychology in Hawaii;

20 (3) Malpractice insurance sufficient to satisfy the rules  
21 adopted by the board, that will cover the applicant as  
22 a prescribing psychologist; and



1 (4) Completion of all other requirements, as determined by  
2 rules adopted by the board pursuant to chapter 91, for  
3 obtaining a prescription certificate.

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

7 (c) A psychologist with a prescription certificate may  
8 prescribe psychotropic medication to any patient under the  
9 psychologist's care for whom psychotropic medication is  
10 clinically indicated if the psychologist:

11 (1) Holds a current license to practice psychology in  
12 Hawaii and maintains malpractice insurance;

13 (2) Annually satisfies the continuing education  
14 requirements for prescribing psychologists recommended  
15 by the American Psychological Association which shall  
16 be no fewer than twenty hours each year, at least half  
17 of which shall be in pharmacology or  
18 psychopharmacology; and

19 (3) Maintains an ongoing collaborative relationship  
20 directly or by telecommunication with the doctors of  
21 medicine who oversee the general medical care of the  
22 psychologist's patients to ensure that:





- 1 (A) Necessary medical examinations are conducted;
- 2 (B) Psychotropic medication prescribed is appropriate
- 3 for the patient's medical condition;
- 4 (C) Significant changes in the patient's medical or
- 5 psychological condition are discussed; and
- 6 (D) The psychologist only prescribes psychotropic
- 7 medications to patients under the care of the
- 8 psychologist at a federally qualified health
- 9 center that is identified to the board as the
- 10 psychologist's practice location.

11 (d) The prescription certificate shall be immediately  
12 relinquished by the psychologist if the psychologist no longer  
13 meets the requirements of subsection (c).

14 **§465- Administration.** (a) The board may adopt rules  
15 pursuant to chapter 91 to further implement the procedures set  
16 forth in this part to obtain a conditional prescription  
17 certificate or a prescription certificate and to renew a  
18 conditional prescription certificate or prescription  
19 certificate. The board may set reasonable application and  
20 renewal fees.

21 (b) The board shall adopt rules pursuant to chapter 91  
22 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 Drug Enforcement  
11 Administration registration 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 provide the board of  
17 pharmacy with the names of any psychologists who are added or  
18 deleted from the list.

19 **§465- Narcotics and samples prohibited.** Notwithstanding  
20 any other provision of this chapter to the contrary, a  
21 psychologist holding a conditional prescription certificate or  
22 prescription certificate shall not administer or prescribe any



1 narcotic and shall not request, receive, or sign for  
2 professional controlled substance samples."

3 SECTION 4. Section 329-1, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted  
6 and to read:

7 "Psychologist certified to prescribe" means a person  
8 licensed under part of chapter 465, who is registered under  
9 this chapter to administer or prescribe psychotropic medication  
10 to patients under the person's care at a federally qualified  
11 health center, but who is not authorized to request, receive, or  
12 sign for professional controlled substance samples."

13 2. By amending the definition of "practitioner" to read:

14 "Practitioner" means:

15 (1) A physician, dentist, veterinarian, scientific  
16 investigator, or other person licensed and registered  
17 under section 329-32 to distribute, dispense, or  
18 conduct research with respect to a controlled  
19 substance in the course of professional practice or  
20 research in this State;

21 (2) An advanced practice registered nurse with  
22 prescriptive authority licensed and registered under



1 section 329-32 to prescribe and administer controlled  
2 substances in the course of professional practice in  
3 this State; [and]

4 (3) A psychologist certified to prescribe who is licensed  
5 and registered under section 329-32 to prescribe and  
6 administer controlled substances in accord with the  
7 requirements and limitations of part of chapter  
8 465; and

9 [~~3~~] (4) A pharmacy, hospital, or other institution  
10 licensed, registered, or otherwise permitted to  
11 distribute, dispense, conduct research with respect to  
12 or to administer a controlled substance in the course  
13 of professional practice or research in this State."

14 SECTION 5. Chapter 465, Hawaii Revised Statutes, is  
15 amended by designating sections 465-1 to 465-15 as part I,  
16 entitled "General Provisions".

17 SECTION 6. Section 465-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§465-3 Exemptions.** (a) This chapter shall not apply to:

20 (1) Any person teaching, lecturing, consulting, or  
21 engaging in research in psychology insofar as the  
22 activities are performed as part of or are dependent



1 upon employment in a college or university; provided  
2 that the person shall not engage in the practice of  
3 psychology outside the responsibilities of the  
4 person's employment;

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

13 (3) Any person employed by a local, state, or federal  
14 government agency in a school psychologist or  
15 psychological examiner position, or a position that  
16 does not involve diagnostic or treatment services, but  
17 only at those times when that person is carrying out  
18 the functions of such government employment;

19 (4) Any person who is a student of psychology, a  
20 psychological intern, or a resident in psychology  
21 preparing for the profession of psychology under  
22 supervision in a training institution or facility and



1 who is designated by a title as "psychology trainee",  
2 "psychology student", "psychology intern", or  
3 "psychology resident", that indicates the person's  
4 training status; provided that the person shall not  
5 identify the person's self as a psychologist or imply  
6 that the person is licensed to practice psychology;

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

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



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

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

13 (c) A person may use the title of  
14 industrial/organizational psychologist, provided that the person  
15 registers with the board, and:

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

18 (2) Holds a doctoral degree from an accredited institution  
19 of higher education with training and education in  
20 industrial/organizational psychology, satisfactory to  
21 the board; and



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

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

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

14 SECTION 7. Notwithstanding the requirements of chapter 91,  
 15 Hawaii Revised Statutes, or any other law or rule of this State,  
 16 the board of psychology shall act expeditiously to adopt rules  
 17 and to take all other actions necessary to ensure that the pilot  
 18 program established by this Act shall commence no later than  
 19 July 1, 2012.

20 SECTION 8. The board of psychology shall submit a report  
 21 to the legislature no later than twenty days prior to the  
 22 convening of the regular session of 2016; provided that a report





1 submitted pursuant to this Act shall be prepared under the  
2 guidance of the supervising physicians and with the  
3 participation of psychologists who participated in the pilot  
4 program established pursuant to section 2 of this Act.

5 SECTION 9. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect upon its approval;  
8 provided that this Act shall be repealed on June 30, 2016.

9



**Report Title:**

Prescriptive Authority; Psychologists

**Description:**

Establishes a five-year pilot program to allow qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist at a federally qualified health center. Repeals June 30, 2016.  
(SD2)

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

