

JAN 26 2011

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 is
5 enhanced by collaborative practice between licensed clinical
6 psychologists and medical doctors. Providing trained medical
7 psychologists, licensed in Hawaii, with limited supervised
8 prescriptive authority would be beneficial to residents of the
9 State of Hawaii who live in medically underserved communities.

10 The purpose of this Act is to create a multiphase,
11 five-year pilot program to authorize appropriately trained and
12 supervised psychologists to prescribe psychotropic medications
13 for the treatment of mental illness.

14 SECTION 2. 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



1 activities are performed as part of or are dependent
2 upon employment in a college or university; provided
3 that the person shall not engage in the practice of
4 psychology outside the responsibilities of the
5 person's employment;

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

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

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



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

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

17 (6) Any person who is a member of a mental health
18 profession not requiring licensure; provided that the
19 person functions only within the person's professional
20 capacities; and provided further that the person does
21 not represent the person to be a psychologist, or the
22 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~~] that does not involve the
3 delivery or supervision of direct psychological
4 services to individuals or groups of individuals,
5 without regard to the source or extent of payment for
6 services 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 3. There is established a five-year pilot program
15 to authorize appropriately trained and supervised psychologists
16 to prescribe psychotropic medications for the treatment of
17 mental illness in a Hawaii qualified health center, a designated
18 medically underserved area, or a mental health professional
19 shortage area.

20 The schedule of the program shall be as follows:



1 (1) Training and supervision during year one of the pilot
2 program shall occur at the Waianae coast comprehensive
3 health center;

4 (2) The remaining four years of the pilot program shall
5 include training and supervision by a supervising
6 physician; and

7 (3) Additional Hawaii qualified health centers, clinics
8 located in medically underserved areas, or clinics in
9 areas with a mental health professional shortage shall
10 be added to the pilot program at a rate of one or two
11 clinics per year.

12 SECTION 4. **Definitions.** As used in this Act, unless the
13 context otherwise requires:

14 "Board" means the board of psychology established under
15 chapter 465, Hawaii Revised Statutes.

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

20 "Imaging and electroencephalogram" means a cranial computed
21 tomography scan, magnetic resonance imaging, or
22 electroencephalogram for diagnostic differential.



1 "Laboratory test" means any laboratory blood or urine drug
2 screening test necessary to monitor the general health of a
3 patient receiving psychotropic medication.

4 "Medical psychologist certified to prescribe" means a
5 licensed, doctoral-level clinical psychologist who has undergone
6 specialized education and training in preparation for
7 prescriptive practice and has passed the psychopharmacological
8 examination for psychologists, and who has a current active
9 certificate granting prescriptive authority.

10 "Narcotics" means natural and synthetic opioid analgesics
11 and their derivatives used to relieve pain.

12 "Prescription" means an order for a drug or any medicine,
13 device, or treatment, including a controlled substance, as
14 defined by state law.

15 "Prescriptive authority" means the authority to prescribe,
16 administer, discontinue, or distribute, without charge, drugs or
17 controlled substances used in the diagnosis, treatment, and
18 management of individuals with psychiatric, mental, cognitive,
19 nervous, emotional, or behavioral disorders or other procedures
20 within the scope of practice of psychology.

21 "Psychiatrist" means a doctor of medicine or a doctor of
22 osteopathy licensed to practice medicine by the State of Hawaii



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

3 "Psychotropic medication" refers to those agents related to
4 the diagnosis and treatment of mental and emotional disorders,
5 including controlled substances except narcotics.

6 "Supervising physician" means a doctor of medicine or a
7 doctor of osteopathy licensed to practice medicine by the State
8 of Hawaii or a psychiatrist who accepts professional
9 responsibility for the provision of psychopharmacotherapy.

10 SECTION 5. **Prescription certificate; application.** (a) A
11 licensed clinical psychologist who applies for a prescription
12 certificate shall be designated as a "medical psychologist
13 certified to prescribe" if the psychologist:

14 (1) Holds a current clinical license in good standing to
15 practice psychology in Hawaii;

16 (2) Has completed a master's degree in psychopharmacology
17 or an equivalent certificate in psychopharmacology
18 issued prior to 2008;

19 (3) Has completed relevant supervised clinical experiences
20 sufficient to attain competency in the
21 psychopharmacological treatment of a diverse patient
22 population;



- 1 (4) Has passed the American Psychological Association
2 Practice Organization's College of Professional
3 Psychology psychopharmacology exam;
- 4 (5) Has obtained a United States Drug Enforcement
5 Administration registration number for limited use, as
6 restricted by state law;
- 7 (6) Has obtained malpractice insurance that covers the
8 psychologist during the period the prescription
9 certificate is in effect;
- 10 (7) Has satisfied all other requirements, as determined by
11 rules adopted by the board pursuant to chapter 91,
12 Hawaii Revised Statutes, for obtaining a prescription
13 certificate; and
- 14 (8) Is presently working or has contracted to work at:
 - 15 (A) A Hawaii qualified health center established
16 under section 346-41.5, Hawaii Revised Statutes;
 - 17 (B) A licensed health clinic located in a federally
18 designated medically underserved area; or
 - 19 (C) A licensed health clinic located in a mental
20 health professional shortage area;



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

4 (c) If a medical psychologist fails to meet the
5 requirements of subsection (a) at any time, the medical
6 psychologist shall immediately relinquish the prescription
7 certificate to the board.

8 SECTION 6. **Prescription certificate; powers, duties, and**
9 **responsibilities.** (a) A licensed medical psychologist holding
10 a prescription certificate shall:

- 11 (1) Maintain a current license to practice psychology in
12 Hawaii;
- 13 (2) Maintain malpractice insurance;
- 14 (3) Complete one year of supervised practice under the
15 direction of a supervising psychiatrist for the first
16 year of the pilot program; and
- 17 (4) After the completion of the first year of the pilot
18 program, complete four years of supervised practice
19 under the direction of a supervising physician;
20 provided that:

1 (A) Supervised practice shall include conducting
2 diagnostic laboratory tests and imaging and
3 electroencephalograms; and

4 (B) The supervising psychiatrist and supervising
5 physician shall not be employed by the person
6 being directed or supervised.

7 (b) A medical psychologist holding a prescription
8 certificate shall be authorized to prescribe, administer,
9 discontinue, or distribute drugs or controlled substances that
10 are recognized or customarily used in the diagnosis, treatment,
11 and management of individuals with psychiatric, mental,
12 cognitive, nervous, emotional, or behavioral disorders and that
13 are relevant to the practice of psychology or other procedures
14 directly within the scope of practice of psychology. The
15 authorization shall be limited to services provided only to
16 patients under the care of the medical psychologist at the
17 eligible health care centers identified in section 5 of this
18 Act.

19 (c) After completing five years of the pilot program, a
20 medical psychologist holding a prescription certificate shall
21 maintain an ongoing collaborative relationship with the medical



1 doctor who oversees the general medical care of the medical
2 psychologist's patients to ensure that:

3 (1) Necessary medical examinations are conducted for the
4 medical psychologist's patients;

5 (2) Any psychotropic medication prescribed for a
6 particular patient is appropriate for that patient's
7 medical condition; and

8 (3) Significant changes in a patient's medical or
9 psychological condition are discussed with the medical
10 psychologist.

11 (d) A prescription written by a medical psychologist
12 holding a prescription certificate shall:

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

14 (2) Be identified as issued by a "medical psychologist
15 certified to prescribe"; and

16 (3) Include the medical psychologist's board number or
17 identification number assigned by the department of
18 commerce and consumer affairs.

19 (e) A medical psychologist holding a prescription
20 certificate shall not delegate prescriptive authority to any
21 person. Records of all prescriptions shall be maintained in the
22 prescribing psychologist's patient records.



1 (f) When authorized to prescribe controlled substances, a
2 medical psychologist holding a prescription certificate shall
3 file with the board, in a timely manner, all individual United
4 States Drug Enforcement Administration registration numbers.

5 SECTION 7. **Administration.** (a) The board shall adopt
6 rules pursuant to chapter 91, Hawaii Revised Statutes,
7 establishing the procedures to be followed to obtain and renew a
8 prescription certificate. The board may set reasonable
9 application and renewal fees.

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

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

21 (d) The board shall provide to the board of pharmacy
22 established under section 461-2, Hawaii Revised Statutes, an



1 annual list of medical psychologists holding a prescription
2 certificate that contains the information agreed upon between
3 the board and the board of pharmacy. The board shall promptly
4 provide the board of pharmacy with the names of any medical
5 psychologists who are added or deleted from the list.

6 SECTION 8. **Narcotics; prohibited.** This Act shall not be
7 construed to permit a psychologist holding a prescription
8 certificate to administer or prescribe a narcotic.

9 SECTION 9. The legislative reference bureau shall compile
10 a report at the end of each year of the pilot program and submit
11 the report to the legislature no later than twenty days prior to
12 the convening of the each regular session for all five years of
13 the pilot program. The report shall include:

- 14 (1) The number and types of patients served;
- 15 (2) The outcome of any treatment given;
- 16 (3) Any improvements in access to care; and
- 17 (4) Patient satisfaction.

18 The reports shall be completed with the assistance of a
19 psychiatrist employed at the Waianae coast comprehensive health
20 center.

21 SECTION 10. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect on July 1, 2011,
2 and shall be repealed on June 30, 2016; provided that section
3 465-3, Hawaii Revised Statutes, is reenacted in the form in
4 which it read on June 30, 2011.

5

INTRODUCED BY:

Joshua MD

Rosalyn H. Bell

Carol Johnson

David Y. Lee



Report Title:

Psychologists; Prescription Authority; Pilot Program

Description:

Creates a five-year pilot program that authorizes appropriately trained and supervised psychologists to prescribe psychotropic medication to patients in medically underserved areas. The program shall be repealed on June 30, 2016.

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

