

JAN 24 2013

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 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. Further, psychologists
10 with appropriate credentials have been allowed to prescribe
11 medications to active duty military personnel and their families
12 in federal facilities and the Indian Health Service for years.

13 The legislature acknowledges that the United States Public
14 Health Service, Health Resources and Services Administration,
15 has officially designated much of the State of Hawaii as a
16 mental health professional shortage area. The nearly statewide
17 shortage designations indicate that rural and urban areas suffer
18 when it comes to accessing mental health care.



1 Psychologists are licensed health professionals with an
2 average of seven years of post-baccalaureate study and three
3 thousand hours of post-graduate supervised practice in the
4 diagnosis and treatment of mental illness. Because the current
5 scope of psychologists' practice does not include prescribing
6 medications, patients must consult with and pay for another
7 provider to obtain psychotropic medications. However,
8 practitioners with prescriptive authority are not readily
9 available in some areas and to some populations such as the un-
10 or under-insured, who are too often turned away from
11 psychiatrists in the community who do not accept certain forms
12 of health insurance.

13 The legislature acknowledges that the mental health needs
14 of the State continue to outweigh present capacity. The purpose
15 of this Act is to create a prescriptive authority pilot program
16 to authorize appropriately trained and supervised psychologists
17 to prescribe psychotropic medications for the treatment of
18 mental illness.

19 SECTION 2. As used in this Act, unless the context
20 otherwise requires:

21 "Board" means the board of psychology established pursuant
22 to section 465-4, Hawaii Revised Statutes.



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

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

7 "Participating psychologist" means a licensed psychologist
8 who has been selected by the board to participate in the
9 prescriptive authority pilot program established by this Act.

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

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



1 "Psychologist certified to prescribe" means a participating
2 psychologist who been granted prescriptive authority by the
3 board, which has not been revoked or suspended.

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

7 "Supervising physician" means a medically trained and
8 licensed physician or psychiatrist who accepts professional
9 responsibility for the provision of psychopharmacotherapy.

10 SECTION 3. (a) There is established a four-year
11 prescriptive authority pilot program to be administered by the
12 board to allow participating psychologists licensed under
13 chapter 465, Hawaii Revised Statutes, to prescribe psychotropic
14 medications under the supervision of a licensed physician at a
15 federally qualified health center established pursuant to title
16 42 United States Code section 1396.

17 (b) The pilot program shall operate as follows:

18 (1) In the first two years, participating psychologists
19 shall practice only at Waianae Coast Comprehensive
20 Health Center and shall receive training and be
21 directly supervised by a physician at that location;



1 (2) After the first two years 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; and

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 SECTION 4. (a) To participate in the prescriptive
22 authority pilot program, a psychologist shall demonstrate all of

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

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

5 (2) As defined by the board, and consistent with
6 established policies of the American Psychological
7 Association for educating and training psychologists
8 in preparation for prescriptive authority:

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

21 (B) The psychologist shall have obtained relevant
22 clinical experience sufficient to attain



1 competency in the psychopharmacological treatment
2 of a diverse patient population under the
3 direction of a supervising physician. This
4 experience shall consist of at least one year,
5 involving four hundred hours treating a diverse
6 population of no fewer than one hundred patients
7 with mental disorders including at least two
8 hours of weekly supervision. The supervising
9 physician shall not be in the employ of the
10 person being directed or supervised;

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

16 (4) The psychologist shall obtain a federal Drug
17 Enforcement Administration registration number for
18 limited use as restricted by state law;

19 (5) The psychologist shall have malpractice insurance in
20 place sufficient to satisfy the rules adopted by the
21 board, that covers the applicant during the period the
22 conditional prescription certificate is in effect;



1 (6) The psychologist has met all other requirements, as
2 determined by rules adopted by the board pursuant to
3 chapter 91, Hawaii Revised Statutes, for obtaining a
4 conditional prescription certificate; and

5 (7) The psychologist is employed or contracted by and will
6 practice the prescribing authority at a federally
7 qualified health center established pursuant to title
8 42 United States Code section 1396.

9 (b) The board shall accept the applicant if it finds that
10 the applicant has met all of the requirements of this section
11 and shall immediately remove the psychologist from participation
12 in the pilot program if the psychologist no longer meets the
13 requirements of this section.

14 SECTION 5. (a) A participating psychologist shall:

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

18 (2) Inform the board of the name of the supervising
19 physician under whose supervision the psychologist
20 will prescribe psychotropic medication; provided that
21 the psychologist shall promptly inform the board of
22 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 participating psychologist shall be authorized to
5 prescribe, administer, discontinue, or distribute without
6 charge, drugs or controlled substances recognized in or
7 customarily used in the diagnosis, treatment, and management of
8 individuals with psychiatric, mental, cognitive, nervous,
9 emotional, or behavioral disorders and relevant to the practice
10 of psychology, or other procedures directly related thereto
11 within the scope of the practice of psychology in accordance
12 with rules adopted by the board. The authorization shall be
13 limited to services provided to patients under the care of the
14 psychologist and who are enrolled at a federally qualified
15 health center identified by the board.

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

- 20 (1) Necessary medical examinations are conducted;
- 21 (2) The psychotropic medication is appropriate for the
- 22 patient's medical condition; and



- 1 (3) Significant changes in the patient's medical or
2 psychological condition are discussed.
- 3 (d) A prescription written by a participating psychologist
4 shall:
- 5 (1) Comply with applicable state and federal laws;
6 (2) Be identified as issued by the psychologist as
7 "psychologist certified to prescribe"; and
8 (3) Include the psychologist's board number or the
9 identification number assigned by the department of
10 commerce and consumer affairs.
- 11 (e) A participating psychologist shall not delegate
12 prescriptive authority to any person. Records of all
13 prescriptions shall be maintained in the prescribing
14 psychologist's patient records.
- 15 (f) When authorized to prescribe controlled substances, a
16 participating psychologist shall file with the board, in a
17 timely manner, all individual federal Drug Enforcement
18 Administration registration numbers.
- 19 (g) A participating psychologist shall not administer or
20 prescribe any narcotic and shall not request, receive, or sign
21 for professional controlled substance samples.



1 SECTION 6. (a) The board may adopt rules pursuant to
2 chapter 91, Hawaii Revised Statutes, to further implement the
3 procedures set forth in this Act to implement the prescriptive
4 authority pilot program, including grounds for denial,
5 suspension, or revocation of participation in the pilot program.

6 (b) The board shall maintain current records on every
7 participating psychologist, including federal Drug Enforcement
8 Administration registration numbers.

9 (c) The board shall provide to the board of pharmacy an
10 annual, updated list of participating psychologists that
11 contains information to be agreed upon between the board and the
12 board of pharmacy.

13 SECTION 7. At the end of the fourth year of the pilot
14 program, the board of psychology shall prepare a report, under
15 the direction of the supervising physicians of the pilot program
16 and with input from participating psychologists and the
17 physicians and administrators of participating federally
18 qualified health centers, to be submitted to the legislature no
19 later than twenty days prior to the convening of the regular
20 session of 2018. The report shall include:

21 (1) The number and type of patients served by
22 participating psychologists;



- 1 (2) Treatment services outcomes of patients treated by
- 2 participating psychologists;
- 3 (3) Whether and how the pilot program improved access to
- 4 mental health care;
- 5 (4) Patient satisfaction with mental health care provided
- 6 by participating psychologists; and
- 7 (5) Any other findings, recommendations, or proposed
- 8 legislation regarding the continuation of or any
- 9 amendments to the pilot program.

10 SECTION 8. Section 465-3, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (c) to read:

13 "(c) A person may use the title of industrial/
14 organizational psychologist, provided that the person registers
15 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 2. By amending subsection (e) to read:

8 "(e) [~~Nothing~~] Unless otherwise provided by law, nothing
 9 in this chapter shall be construed as permitting the
 10 administration or prescription of drugs, or in any way engaging
 11 in the practice of medicine as defined in the laws of the
 12 State."

13 SECTION 9. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 10. This Act shall take effect on July 1, 2013,
 16 and shall be repealed on December 31, 2017.

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Report Title:

Prescriptive Authority; Psychologists; Pilot Program

Description:

Creates a four-year prescriptive authority pilot program to authorize prescriptive authority for qualified psychologists who practice at a federally qualified health center. Requires the board of psychology to submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2018. Repeals on December 31, 2017.

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