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# A BILL FOR AN ACT

RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds there are an insufficient  
2 number of prescribing mental health care providers available to  
3 serve the needs of Hawaii's people. The delivery of quality,  
4 comprehensive, accessible, and affordable health care is  
5 enhanced by collaborative practice between licensed clinical  
6 psychologists and medical doctors. Providing advanced training  
7 in psychopharmacology to certain psychologists who wish to  
8 become prescribing psychologists would be beneficial to  
9 residents of Hawaii, particularly those who live in rural or  
10 medically underserved communities where mental health  
11 professionals with prescriptive authority are in short supply.

12           The legislature further finds that the mental health needs  
13 of the State continue to outweigh present capacity. According  
14 to the federal Centers for Disease Control and Prevention,  
15 suicide is the third leading cause of death for youth between  
16 the ages of ten and twenty-four and the tenth leading cause of  
17 death in the United States. Suicide was the single leading  
18 cause of fatal injuries in Hawaii from 2004 to 2013, with a



1 generally increasing trend in the annual suicide rate among  
2 residents. On average, one hundred seventy people die from  
3 suicide and eight hundred fifty-two people attempt suicide in  
4 Hawaii each year. Studies have shown that many people who  
5 commit suicide had received little or no treatment for their  
6 mental health problems due to barriers to accessing appropriate  
7 and effective care in the community, including lengthy wait  
8 times for appointments and a lack of accessible mental health  
9 care providers. While causes for suicide are complex, the most  
10 commonly reported contributing factors include depression,  
11 relationship problems, and serious medical problems. These are  
12 conditions that occur frequently but have been found to respond  
13 favorably to evidence-based treatments, such as cognitive  
14 behavioral therapy and psychotropic medications, when identified  
15 and treated early.

16 A 2015 article in the *Honolulu Star-Advertiser* reported  
17 that fifty-one per cent of all people arrested in 2013 in  
18 Honolulu suffered from serious mental illness or severe  
19 substance intoxication. This represents an almost two-fold  
20 increase in arrests of individuals with psychiatric illness or  
21 substance abuse issues in the period following substantial cuts



1 to state-supported mental health services in 2009. A 2014  
2 survey by the Treatment Advocacy Center indicates that there are  
3 ten times more people with serious mental illness in jails and  
4 prisons than there are in state psychiatric institutions across  
5 the country.

6 The legislature additionally finds that according to the  
7 National Alliance on Mental Illness and the federal Substance  
8 Abuse and Mental Health Services Administration, approximately  
9 thirty-two thousand adults in Hawaii, representing more than  
10 three per cent of the population, live with serious mental  
11 illness. However, this figure may not completely reflect the  
12 scope of need, as it does not include individuals with other  
13 clinical diagnoses such as unipolar depression, anxiety  
14 disorders, adjustment disorders, substance abuse, or post-  
15 traumatic stress disorder.

16 The legislature also finds that clinical psychologists are  
17 licensed health professionals with an average of seven years of  
18 post-baccalaureate study and three thousand hours of post-  
19 graduate supervised practice in the diagnosis and treatment of  
20 mental illness. However, because the current scope of clinical  
21 psychologists' practice does not include prescribing



1 medications, these providers' patients must consult with and pay  
2 for another provider to obtain psychotropic medications when  
3 indicated.

4       The legislature has previously authorized prescription  
5 privileges to advanced practice registered nurses, optometrists,  
6 dentists, and naturopathic physicians. Licensed clinical  
7 psychologists with specialized education and training in  
8 preparation for prescriptive practice have been allowed to  
9 prescribe psychotropic medications to active duty military  
10 personnel and their families in federal facilities and the  
11 United States Public Health Service, including the Indian Health  
12 Service, for decades. In recent years, Illinois, Louisiana, and  
13 New Mexico adopted legislation authorizing prescriptive  
14 authority for advanced trained psychologists. There are  
15 approximately one hundred thirty psychologists with prescriptive  
16 authority in Louisiana and New Mexico. Furthermore, there have  
17 been no adverse events or complaints brought against any of  
18 these prescribing psychologists regarding their practice. In  
19 Louisiana and New Mexico, prescribing psychologists have been  
20 able to fill positions that were vacant for a number of years  
21 and continue to serve predominant indigent or rural populations.



1           The legislature further finds that the American  
2 Psychological Association has developed a model curriculum for a  
3 master's degree in psychopharmacology for the education and  
4 training of prescribing psychologists. Independent evaluations  
5 of the federal Department of Defense psychopharmacological  
6 demonstration project by the United States General Accounting  
7 Office, now known as the Government Accountability Office, and  
8 the American College of Neuropsychopharmacology, as well as the  
9 experiences of Louisiana and New Mexico, have found that  
10 appropriately trained prescribing psychologists can prescribe  
11 medications safely and effectively. A master of science in  
12 clinical psychopharmacology is currently offered at the  
13 University of Hawaii at Hilo college of pharmacy.

14           The purpose of this Act is to authorize the board of  
15 psychology to grant prescriptive authority to prescribing  
16 psychologists who meet specific education, training, and  
17 registration requirements.

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

21                   **"PART           .    PRESCRIBING PSYCHOLOGISTS**



1           §465-     **Definitions.** As used in this part unless the  
2 context otherwise requires:

3           "Advanced practice registered nurse" shall have the same  
4 meaning as in section 457-2.

5           "Advanced practice registered nurse with prescriptive  
6 authority" means an advanced practice registered nurse with  
7 prescriptive authority granted pursuant to section 457-8.6.

8           "Clinical experience" means a period of supervised clinical  
9 training and practice in which clinical diagnoses and  
10 interventions are learned and which are conducted and supervised  
11 as part of a post-doctoral master of science degree in clinical  
12 psychopharmacology training.

13           "Controlled substance" shall have the same meaning as in  
14 section 329-1.

15           "Narcotic drug" shall have the same meaning as in section  
16 329-1.

17           "Opiate" shall have the same meaning as in section 329-1.

18           "Prescribing psychologist" means a psychologist who has  
19 undergone specialized training in clinical psychopharmacology,  
20 passed a national proficiency examination in psychopharmacology



1 approved by the board, and been granted a prescriptive authority  
2 privilege by the board.

3 "Prescription" means an order for a psychotropic medication  
4 or any device or test directly related to the diagnosis and  
5 treatment of mental and emotional disorders pursuant to the  
6 practice of psychology.

7 "Prescriptive authority privilege" means the authority  
8 granted by the board to prescribe psychotropic medication and  
9 other directly related procedures within the scope of practice  
10 of psychology in accordance with rules adopted by the board.

11 "Primary care provider" means a physician or osteopathic  
12 physician licensed or exempted from licensure pursuant to  
13 section 453-2 or an advanced practice registered nurse with  
14 prescriptive authority licensed pursuant to section 457-8.6.

15 "Psychotropic medication" means only those agents related  
16 to the diagnosis and treatment of mental and emotional disorders  
17 pursuant to the practice of psychology, except drugs classified  
18 into schedule I, II, or III pursuant to chapter 329, opiates, or  
19 narcotic drugs; provided that psychotropic medication shall  
20 include stimulants for the treatment of attention deficit



1 hyperactivity disorder regardless of the stimulant's schedule  
2 classification.

3       **§465- Administration.** (a) The board shall prescribe  
4 application forms and fees for application for and renewal of  
5 prescriptive authority privilege pursuant to this part.

6       (b) The board shall develop and implement procedures to  
7 review the educational and training credentials of a  
8 psychologist applying for or renewing prescriptive authority  
9 privilege under this part, in accordance with current standards  
10 of professional practice.

11       (c) The board shall grant or renew prescriptive authority  
12 privilege, as applicable, to every applicant who meets the  
13 requirements for licensure or renewal under section 465-7 or  
14 465-11, as applicable, and the requirements of this part.

15       (d) The board shall determine the exclusionary formulary  
16 for prescribing psychologists.

17       (e) The board shall have all other powers which may be  
18 necessary to carry out the purposes of this part.

19       **§465- Prescriptive authority privilege; requirements.**  
20 Every applicant for prescriptive authority privilege shall  
21 submit evidence satisfactory to the board, in a form and manner





1 prescribed by the board, that the applicant meets the following  
2 requirements:

3 (1) The applicant possesses a current license pursuant to  
4 section 465-7;

5 (2) The applicant successfully graduated with a post  
6 doctoral master's degree in clinical  
7 psychopharmacology from a regionally-accredited  
8 institution with a clinical psychopharmacology program  
9 designated by the American Psychological Association,  
10 or the equivalent of a post doctoral master's degree,  
11 as approved by the board; provided that any equivalent  
12 shall include:

13 (A) Study in a program offering intensive didactic  
14 education, including instruction in anatomy and  
15 physiology, biochemistry, neuroanatomy,  
16 neurophysiology, neurochemistry, physical  
17 assessment and laboratory examinations, clinical  
18 medicine and pathophysiology, clinical and  
19 research pharmacology and psychopharmacology,  
20 clinical pharmacotherapeutics, research, and  
21 professional, ethical, and legal issues; and



- 1 (B) Clinical experience that includes:
- 2 (i) A minimum of four hundred hours completed in
- 3 no less than twelve months and no more than
- 4 forty-eight months;
- 5 (ii) Supervision of a minimum of one hundred
- 6 patients; and
- 7 (iii) No less than two hours per week of
- 8 supervision by a licensed physician or
- 9 osteopathic physician, an advanced practice
- 10 registered nurse with prescriptive
- 11 authority, or a prescribing psychologist;
- 12 and
- 13 (3) The applicant has successfully passed the nationally
- 14 recognized Psychopharmacology Exam for Psychologists
- 15 developed by the American Psychological Association's
- 16 Practice Organization's College of Professional
- 17 Psychology relevant to establish competence across the
- 18 following content areas: neuroscience, nervous system
- 19 pathology, physiology and pathophysiology,
- 20 biopsychosocial and pharmacologic assessment and
- 21 monitoring, differential diagnosis, pharmacology,



1 clinical psychopharmacology, research, integrating  
2 clinical psychopharmacology with the practice of  
3 psychology, diversity factors, and professional,  
4 legal, ethical, and interprofessional issues; provided  
5 that the passing score shall be determined by the  
6 American Psychological Association's Practice  
7 Organization's College of Professional Psychology.

8 **§465- Prescriptive authority privilege; renewal. (a)**

9 The board shall implement a method for the renewal of  
10 prescriptive authority privilege in conjunction with the renewal  
11 of a license under section 465-11.

12 (b) To qualify for the renewal of prescriptive authority  
13 privilege, a prescribing psychologist shall present evidence  
14 satisfactory to the board that the prescribing psychologist has  
15 completed at least eighteen hours biennially of acceptable  
16 continuing education, as determined by the board, relevant to  
17 the pharmacological treatment of mental and emotional disorders.

18 (c) The continuing education requirement under this  
19 section shall be in addition to the continuing education  
20 requirement under section 465-11.



1 (d) The board may conduct random audits of licensees to  
2 determine compliance with the continuing education requirement  
3 under this section. The board shall provide written notice of  
4 an audit to a licensee randomly selected for audit. Within  
5 sixty days of notification, the licensee shall provide the board  
6 with documentation verifying compliance with the continuing  
7 education requirement established by this section.

8 §465- Prescriptive authority privilege; prescribing  
9 practices. (a) It shall be unlawful for any psychologist not  
10 granted prescriptive authority privilege under this part to  
11 prescribe, offer to prescribe, or use any sign, card, or device  
12 to indicate that the psychologist is so authorized.

13 (b) A valid prescription issued by a prescribing  
14 psychologist shall be legibly written and contain, at a minimum,  
15 the following:

- 16 (1) Date of issuance;  
17 (2) Original signature of the prescribing psychologist;  
18 (3) Prescribing psychologist's name and business address;  
19 (4) Name, strength, quantity, and specific instructions  
20 for the psychotropic medication to be dispensed;



- 1 (5) Name and address of the person for whom the  
2 prescription was written;
- 3 (6) Room number and route of administration if the patient  
4 is in an institutional facility; and
- 5 (7) Number of allowable refills, if applicable.
- 6 (c) A prescribing psychologist shall comply with all  
7 applicable state and federal laws and rules relating to the  
8 prescription and administration of psychotropic medication.
- 9 (d) A prescribing psychologist shall:
- 10 (1) Prescribe only in consultation and collaboration with  
11 a patient's primary care provider;
- 12 (2) Consult with the patient's primary care provider  
13 regarding changes to a medication treatment plan,  
14 including dosage adjustments, addition of medications,  
15 or discontinuation of medications; and
- 16 (3) Document the consultation in the patient's medical  
17 record.
- 18 (e) A prescribing psychologist shall not prescribe for any  
19 patient who does not have a primary care provider.
- 20 (f) A prescribing psychologist shall not delegate  
21 prescriptive authority to any other person.



1           **§465- Prescriptive authority privilege; exclusionary**  
2 **formulary.** (a) A prescribing psychologist may only prescribe  
3 medications for the treatment of mental health disorders as  
4 defined by the most current version of the Diagnostic and  
5 Statistical Manual of Mental Disorders.

6           (b) The exclusionary formulary for prescribing  
7 psychologists shall consist of drugs or categories of drugs  
8 promulgated by the board.

9           (c) The exclusionary formulary and any revised formularies  
10 shall be made available to licensed pharmacies at the request of  
11 the pharmacies at no cost.

12           (d) Under the exclusionary formulary, prescribing  
13 psychologists shall not prescribe schedule I controlled  
14 substances pursuant to section 329-14, schedule II controlled  
15 substances pursuant to section 329-16, or schedule III  
16 controlled substances pursuant to section 329-18, including all  
17 narcotic drugs and opiates; provided that prescribing  
18 psychologists may prescribe stimulants for the treatment of  
19 attention deficit hyperactivity disorder.

20           **§465- Drug Enforcement Administration; registration.**

21 (a) Every prescribing psychologist shall comply with all



1 federal and state registration requirements to prescribe and  
2 administer psychotropic medication.

3 (b) Every prescribing psychologist shall file with the  
4 board the prescribing psychologist's federal Drug Enforcement  
5 Administration registration number. The registration number  
6 shall be filed before the prescribing psychologist issues a  
7 prescription for a controlled substance.

8 **§465- Violation; penalties.** Any person who violates  
9 this part shall be guilty of a misdemeanor and, on conviction,  
10 fined not more than \$1,000 or imprisoned not more than one year,  
11 or both."

12 SECTION 3. Section 346-59.9, Hawaii Revised Statutes, is  
13 amended by amending subsection (i) to read as follows:

14 "(i) All psychotropic medications covered by this section  
15 shall be prescribed by a psychiatrist, a physician, [e] an  
16 advanced practice registered nurse with prescriptive authority  
17 under chapter 457 and duly licensed in the State[-], or a  
18 prescribing psychologist authorized under part of chapter  
19 465."



1 SECTION 4. Chapter 465, Hawaii Revised Statutes, is  
2 amended by designating sections 465-1 to 465-15, as part I and  
3 inserting a title before section 465-1, to read as follows:

4 "PART I. GENERAL PROVISIONS"

5 SECTION 5. Section 465-3, Hawaii Revised Statutes, is  
6 amended by amending subsection (e) to read as follows:

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

12 SECTION 6. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2016.





H.B. NO.

1072  
H.D. 1  
S.D. 1  
Proposed

**Report Title:**

Psychologists; Prescribing Psychologists; Prescriptive  
Authority; Board of Psychology

**Description:**

Authorizes the board of psychology to grant prescriptive  
authority to prescribing psychologists who meet specific  
education, training, and registration requirements. (Proposed  
SD1)

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not legislation or evidence of legislative intent.*

