

Honolulu, Hawaii

MAR 18 2016

RE: H.B. No. 1072
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred H.B. No. 1072, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Board of Psychology to issue certificates of prescriptive authority to medical psychologists who meet certain education, training, and registration requirements.

Prior to the hearing on this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deleted the contents of this measure and inserted provisions that authorize the Board of Psychology to grant prescriptive authority to prescribing psychologists who meet specific education, training, and registration requirements, such as:

- (1) Requiring applicants for prescriptive authority privilege to have graduated with a post-doctoral master's degree in clinical psychopharmacology and successfully passed a national psychopharmacology examination, among other requirements;



- (2) Specifying that only those clinical psychologists granted prescriptive authority privilege by the Board of Psychology are lawfully able to prescribe;
- (3) Mandating continuing education requirements for prescribing psychologists, in addition to existing continuing education requirements for licensed psychologists; and
- (4) Requiring prescribing psychologists to prescribe only in consultation and collaboration with a patient's primary care provider.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Health; Board of Psychology; Hawai'i State Center for Nursing; County of Maui, Office of the Mayor; County of Hawai'i, Office of the Prosecuting Attorney; National Association of Social Workers, Hawaii Chapter; Hawaii Medical Service Association; Big Island Substance Abuse Council; Ho'omana Pono, LLC; Hana Health; PHOCUSED; Mental Health America of Hawai'i; eighty individuals; and a petition signed by over eight hundred individuals. Your Committees received testimony in opposition to the proposed S.D. 1 from the American Psychiatric Association, Hawaii Medical Association, Bradley Kuo LLC, twenty-one individuals, and a petition signed by over two hundred individuals.

Your Committees find that the mental health needs of individuals in Hawaii continue to outweigh the capacity of the State's mental health system. According to a December 2014 report on findings from the Hawaii Physician Workforce Assessment Project, physician shortages, including psychiatry, are highest in Hawaii's rural areas. The neighbor islands are particularly impacted by a shortage of psychiatrists, with Maui County facing a 41.2 percent shortage, followed by Hawaii County at 39.2 percent, and Kauai County at 29.5 percent. Increasing access to qualified health care professionals who are trained in the pharmacological treatment of mental and emotional disorders is therefore of critical importance for the State.

Your Committees further find that licensed clinical psychologists with specialized education and training in preparation for prescriptive practice have been allowed to prescribe psychotropic medications to active duty military



personnel and their families in federal facilities and the United States Public Health Service, including the Indian Health Service, for decades. In recent years, Illinois, Louisiana, and New Mexico have successfully adopted legislation authorizing prescriptive authority for advanced trained psychologists.

Your Committees additionally find that the post-doctoral, master's level clinical psychopharmacology training requirement in the proposed S.D. 1 is equivalent to the American Psychological Association's recommendations specific to the practice of prescribing psychotropic medication. Post-doctoral psychopharmacological training programs have been available in Hawaii since 2001. Furthermore, according to testimony received by your Committees, the Master of Science in Clinical Psychopharmacology at the University of Hawaii at Hilo Daniel K. Inouye College of Pharmacy attained program recognition from the American Psychological Association in 2015, and is one of only four programs in the country to receive such a distinction.

Finally, your Committees note that the proposed S.D. 1 is different than measures on similar topics that were introduced during prior legislative sessions. Importantly, your Committees note that the proposed S.D. 1 requires a collaborative agreement between a prescribing psychologist and a primary care provider and does not permit a prescribing psychologist to prescribe absent or without a collaborative agreement. Furthermore, the education and training in the proposed S.D. 1, based in part on the already-proven training of the United States Department of Defense Psychopharmacology Demonstration Project and consistent with the American Psychological Association's recommendations for post-doctoral training in psychopharmacology for prescription privileges, will provide clinical psychologists with the core knowledge needed to prescribe psychotropic medication safely and effectively.

Your Committees conclude that the proposed S.D. 1 includes specific training and education requirements and assurances for patient safety; ensures that only those clinical psychologists with appropriate education, clinical training, and registration will be authorized to prescribe; and is a viable option to benefit and improve access to care in Hawaii's rural and medically underserved areas.

Accordingly, your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:



- (1) Specifying that the Board of Psychology shall accept applications for prescriptive authority privilege from qualified applicants beginning on July 1, 2018, to give the Board sufficient time to administratively prepare for the granting or renewal of prescriptive authority privilege to qualified psychologists;
- (2) Specifying that a first-time prescriptive authority privilege holder shall not be subject to the continuing education requirements for a first-time prescriptive authority privilege renewal;
- (3) Requiring a written collaborative agreement between a patient's primary care provider and a prescribing psychologist to be established and signed prior to the prescribing psychologist prescribing any psychotropic medication for the patient;
- (4) Specifying that for a patient who is forensically encumbered or who has a diagnosis of serious mental illness, a prescribing psychologist:
 - (A) Shall prescribe only in accordance with a treatment protocol agreed to by the prescribing psychologist and the treating Department of Health psychiatrist, and with notification to all other health care providers treating the patient; and
 - (B) May enter into a collaborative agreement with the Department of Health;
- (5) Defining "forensically encumbered" and "serious mental illness";
- (6) Clarifying that under the exclusionary formulary, a prescribing psychologist shall not prescribe for off-label use for patients seventeen years of age or younger;
- (7) Specifying that in addition to civil and criminal penalties for violations of the law relating to prescribing psychologists, violators may also be subject to disciplinary action by the Board;




- (8) Inserting conforming amendments within chapter 329, Hawaii Revised Statutes, to cover specific limited situations where a prescribing psychologist could prescribe psychotropic medication for the treatment of attention deficit hyperactivity disorder, including stimulants, regardless of the stimulant's schedule classification;
- (9) Requiring 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 2020, regarding the authorization of prescriptive authority to certain qualified psychologists and requiring the Board to collaborate with the Department of Health when preparing information in the report regarding the treatment of patients who are forensically encumbered or who have a diagnosis of serious mental illness; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1072, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1072, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,


GILBERT S.C. KEITH-AGARAN, Chair


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

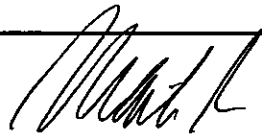
Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1072, HD1	CPH/JDL, WAM	2-24-16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/	/		
KIDANI, Michelle N. (VC)		/		
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.		/		
RUDERMAN, Russell E.	/			
SLOM, Sam			/	
TOTAL	4	2	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1072 HD1	Committee Referral: CPH/JDL, WAM	Date: 2/25/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended <small>2312</small>				
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>				
<input type="checkbox"/> Hold <small>2310</small>				
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.				/
SLOM, Sam			/	
TOTAL	3	0	1	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes