

STAND. COM. REP. NO. **2467**

Honolulu, Hawaii

FEB 15 2024

RE: S.B. No. 760
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 760 entitled:

"A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Board of Psychology to establish a five-year pilot program to grant prescriptive authority to qualified psychologist applicants statewide.

Your Committee received testimony in support of this measure from the Department of Corrections and Rehabilitation, Office of the Mayor of the County of Kaua'i, Hawai'i Health & Harm Reduction Center, Hawai'i Psychological Association, American Psychiatric Association, National Association of Social Workers - Hawai'i, The Hawaiian Islands Association for Marriage and Family Therapy, iNetmed Rx2 Inc., and thirty-two individuals.

Your Committee received testimony in opposition to this measure from Hawai'i Psychiatric Medical Association, Hawaii Medical Association, Philippine Medical Association of Hawai'i, Hawai'i Association of Professional Nurses, and twenty-nine individuals.



Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, Board of Psychology, and one individual.

Your Committee finds that many residents of all ages in the State are experiencing untreated mental health crises. Concurrently, the State is experiencing a chronic shortage of health care providers with prescriptive authority to treat patients with mental health needs, creating lengthy wait times for prospective patients. This measure alleviates existing constraints on providers while also ensuring adequate safeguards to expand access to life-changing medication.

Your Committee has amended this measure by:

- (1) Clarifying that the Board of Psychology shall begin accepting applications on July 1, 2026 for prescriptive authority privilege and that an applicant for prescriptive authority shall have been originally licensed in the State before January 1, 2024;
- (2) Inserting language specifying that prescribing psychologists shall be prohibited from prescribing to:
 - (A) All persons under the age of eighteen years;
 - (B) All adults with serious mental illnesses, which includes all adults not suffering from anxiety or depression; and
 - (C) All persons who do not have a primary care provider who is a physician, psychiatrist, or advanced practice registered nurse with prescriptive authority, or is a patient in a clinic with a collaborative practice setting that has a physician, psychiatrist, or advanced practice registered nurse with prescriptive authority;
- (3) Prohibiting a prescribing psychologist from administering medications to a patient for a use that is not stated on the label as a prescribed use by the manufacturer or is otherwise not approved by the United States Food and Drug Administration;



- (4) Clarifying that the exclusionary formulary for prescribing psychologists consists of drugs or categories of drugs that include but are not limited to:
 - (A) A formulary with high safety profiles that includes some serotonin reuptake inhibitors and serotonin-norepinephrine reuptake inhibitors; and
 - (B) All prescription medications with a boxed warning issued by the United States Food and Drug Administration pursuant to title 21 Code of Federal Regulations section 201.5;
- (5) Requiring the Board of Psychology to collaborate with the appropriate department of the John A. Burns School of Medicine and submit its report to the legislature no later than twenty days prior to the convening of the Regular Session of 2028;
- (6) Repealing the sunset date, thereby making the program permanent;
- (7) Amending section 1 to reflect its amended purpose;
- (8) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 760, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 760, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 760	Committee Referral: HHS, CPN/WAM	Date: 1/31/2024
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
TOTAL	4		1	

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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***Only one measure per Record of Votes**