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# 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 in  
3 the rural areas of the State. 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 limited prescriptive authority for the specific  
7 purpose of providing care in federally qualified health centers  
8 or other licensed health clinics located in federally designated  
9 medically underserved areas. The legislature has previously  
10 authorized prescription privileges to advanced nurse  
11 practitioners, optometrists, dentists, podiatrists, osteopaths,  
12 and physician assistants.

13           Psychologists with appropriate credentials have been  
14 allowed to prescribe medications to active duty military  
15 personnel and their families in federal facilities and the  
16 Indian Health Service for years. Recently, Louisiana and New



1 Mexico adopted legislation authorizing prescriptive authority  
2 for psychologists without regard to the service setting.

3 Since 2000, fourteen psychologists in Hawaii, all native to  
4 Hawaii, have received psychopharmacological training through the  
5 Tripler Army Medical Center, Native Hawaiian Psychology Training  
6 Program. These psychologists actively collaborate with primary  
7 care physicians to provide combined therapy and  
8 psychopharmacological care to a medically underserved patient  
9 population at seven federally qualified health centers at Bay  
10 Clinic, Hana, Molokai, Kauai, Waianae, Kalihi-Palama, and  
11 Waimanalo, and two native Hawaiian healthcare systems clinics  
12 located in federally designated medically underserved areas on  
13 Kauai and Molokai.

14 To date, thousands of native Hawaiians and other ethnic  
15 minorities have received the necessary combined therapy and  
16 psychopharmacological care that was sorely lacking to address  
17 significant mental and behavioral healthcare needs. For  
18 example, psychologists at the Waianae Coast Comprehensive Health  
19 Center completed approximately three thousand eight hundred  
20 forty patient encounters in 2004; seventy per cent of these  
21 patients received necessary psychotropic medication for the  
22 treatment of mental illness. Psychologists in several federally



1 qualified health centers in the State have formed successful  
2 collaborative relationships with primary care physicians for  
3 mental health treatment of the underserved.

4 Psychologists are licensed health professionals with an  
5 average of seven years of post-baccalaureate study and three  
6 thousand hours of post-graduate supervised practice in the  
7 diagnosis and treatment of mental illness. Because the current  
8 scope of psychologists' practice does not include prescribing  
9 medications, patients must consult with and pay for another  
10 provider to obtain the requisite prescription. However,  
11 physicians are not readily available in some areas and for some  
12 populations.

13 This is a particular hardship for patients of the federally  
14 qualified health centers on Oahu and the neighbor islands.  
15 Patients of federally qualified health centers include the  
16 uninsured (thirty-six per cent), the poor (fifty-six per cent),  
17 native Hawaiian (twenty-seven per cent, sixty per cent in rural  
18 areas), other Pacific Islanders (seven per cent), and the  
19 homeless (five per cent). Timely, efficient, and cost-effective  
20 treatment of mental illnesses in federally qualified health  
21 centers could avoid the significantly greater social, economic,



1 and medical costs of delayed treatment or non-treatment for  
2 these underserved populations.

3       Research data soundly demonstrates that there are not  
4 enough prescribing mental healthcare providers available to  
5 serve the needs of all the people in Hawaii. Further, the  
6 economically disadvantaged and medically underserved would  
7 receive little or no mental health services if not for the  
8 federally qualified health centers and the services provided by  
9 clinical psychologists. At present, only three federally  
10 qualified health centers have psychiatrists on staff. In  
11 contrast, 2004 data from the Hawaii Primary Care Association  
12 indicates that there are 9.71 psychologists employed in full or  
13 part-time positions to provide mental/behavioral health service  
14 in nine of the thirteen federally qualified health centers--the  
15 most recent expansion of these services has occurred within the  
16 short span of four years.

17       Since 1988, federal law has recognized the extraordinarily  
18 poor health of native Hawaiians. In Hawaii, native Hawaiians  
19 have the highest rate of untreated medical and psychological  
20 concerns, and higher rates than other indigenous and minority  
21 individuals in the United States. Recent concerns include the  
22 impact of the crystal methamphetamine epidemic and related



1 substance abuse issues such as those occurring in Waianae,  
2 Molokai, and Waimanalo. This epidemic, coupled with the  
3 economic and cultural distress of the native Hawaiian  
4 population, has created unprecedented demands for services from  
5 an already overtaxed mental health system.

6 Further exacerbating the dire need for mental health  
7 treatment in underserved areas is the fact that patients from  
8 diverse cultural backgrounds are reluctant to seek treatment due  
9 to the stigma of mental health problems. Timely access to  
10 accurate diagnosis and effective treatment of emotional and  
11 behavioral disorders may contribute substantially to the State's  
12 responsibilities to Hawaii's "Felix" children and needy adults  
13 in underserved rural areas.

14 The United States Congress, through the Native Hawaiian  
15 Health Care Professions Scholarship program, requires  
16 scholarship recipients to work in federally designated medically  
17 underserved areas for a duration (typically four years) equal to  
18 the number of years they received scholarship funding. Under  
19 this program, psychologists of native Hawaiian ancestry are now  
20 using modern training and education to deliver healthcare in a  
21 culturally appropriate manner to other native Hawaiians through  
22 their placement in federally qualified health centers, native



1 Hawaiian health systems clinics, and other federally designated  
2 health clinics in medically underserved areas.

3 The American Psychological Association has developed a  
4 model curriculum for the education and training of prescribing  
5 psychologists. Independent evaluations of the Department of  
6 Defense Psychopharmacological Demonstration Project by the  
7 United States General Accounting Office and the American College  
8 of Neuropsychopharmacology have found that appropriately trained  
9 medical psychologists prescribe safely and effectively.

10 The purpose of this Act is to authorize appropriately  
11 trained and supervised licensed medical psychologists practicing  
12 in federally qualified health centers or licensed health clinics  
13 located in medically underserved areas or in federally  
14 designated mental health professional shortage areas, to  
15 prescribe psychotropic medications for the treatment of mental  
16 illness.

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

20 **"PART . PRESCRIPTION CERTIFICATION**

21 **§465-A Definitions.** As used in this part, unless the  
22 context otherwise requires:



1 "Narcotics" mean natural and synthetic opioid analgesics,  
2 and their derivatives used to relieve pain.

3 "Prescribing mental health professional" means a medically  
4 trained and licensed physician or psychiatrist.

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

8 **§465-B Conditional prescription certificate; application.**

9 (a) A psychologist may apply to the board for a conditional  
10 prescription certificate. The application shall be made on a  
11 form approved by the board, and be accompanied by evidence  
12 satisfactory to the board, that the applicant:

- 13 (1) Holds a current license in good standing to practice  
14 psychology in the State of Hawaii;
- 15 (2) Has successfully completed a planned sequence of  
16 psychopharmacological training from a regional  
17 accredited institution of higher learning. The  
18 training shall be consistent with the American  
19 Psychological Association's Recommended Postdoctoral  
20 Training in Psychopharmacology for Prescription  
21 Privileges. The training shall include a two year  
22 postdoctoral program of no less than thirty credit



1 hours (four hundred fifty hours of classroom  
2 instruction) in at least the following core areas of  
3 instruction:

4 (A) Anatomy and physiology;

5 (B) Biochemistry;

6 (C) Neurosciences (neuroanatomy, neurochemistry,  
7 neurophysiology);

8 (D) Pharmacology and clinical pharmacology;

9 (E) Psychopharmacology;

10 (F) Pathophysiology;

11 (G) Health assessment, including relevant physical  
12 and laboratory assessment; and

13 (H) Clinical pharmacotherapeutics; and

- 14 (3) Has successfully completed twelve credit hours  
15 consisting of a supervised practicum of at least one  
16 year involving four hundred hours treating a diverse  
17 population of no fewer than one hundred patients with  
18 mental disorders. A licensed healthcare provider who  
19 is experienced in the provision of  
20 psychopharmacotherapy shall supervise the practicum.  
21 The practicum shall include at least two hours of



- 1 weekly supervision and the supervisor shall not be in  
2 the employ of the person being directed or supervised;
- 3 (4) Has passed a national proficiency examination approved  
4 by the board that tests the applicant's knowledge of  
5 pharmacology in the diagnosis, care, and treatment of  
6 mental disorders; provided that the board shall  
7 establish what constitutes a passing score and the  
8 number of times an applicant may re-take the  
9 examination within a specific time period;
- 10 (5) Has applied for a federal Drug Enforcement  
11 Administration registration number for limited use as  
12 restricted by state law;
- 13 (6) Has malpractice insurance in place sufficient to  
14 satisfy the rules adopted by the board that will cover  
15 the applicant during the period the conditional  
16 prescription certificate is in effect;
- 17 (7) Is employed or contracted by, and will practice the  
18 prescribing authority at a federally qualified health  
19 center established under title 42 United States Code  
20 section 1396; and



1 (8) Meets all other requirements, as determined by rules  
2 adopted by the board pursuant to chapter 91, for  
3 obtaining a conditional prescription certificate.

4 (b) The board shall issue a conditional prescription  
5 certificate if it finds that the applicant has met the  
6 requirements of subsection (a).

7 (c) The conditional prescription certificate shall be  
8 immediately relinquished by the psychologist if the psychologist  
9 no longer meets the requirements of subsection (a).

10 **§465-C Conditional prescription certificate; powers,**  
11 **duties, and responsibilities.** (a) A psychologist holding a  
12 conditional prescription certificate shall continue to hold a  
13 current license to practice psychology in Hawaii and continue to  
14 maintain malpractice insurance.

15 (b) A psychologist holding a conditional prescription  
16 certificate shall inform the board of the name of the  
17 prescribing mental health professional under whose supervision  
18 the psychologist will prescribe psychotropic medication and the  
19 name of the federally qualified health center; provided that the  
20 psychologist holding a conditional prescription certificate  
21 shall promptly inform the board of any change of the prescribing  
22 mental health professional.



1 (c) A psychologist holding a conditional prescription  
2 certificate shall maintain an ongoing collaborative relationship  
3 with the doctor of medicine who oversees the patient's general  
4 medical care.

5 (d) A psychologist holding a conditional prescription  
6 certificate may administer and prescribe psychotropic medication  
7 within the recognized scope of the profession; provided that  
8 those medications are not prohibited by the exclusionary  
9 formulary list, pursuant to section 465-G.

10 (e) A psychologist who holds a conditional prescription  
11 certificate may prescribe only those medications in subsection  
12 (d) to patients under the care of the psychologist and who is  
13 enrolled at a federally qualified health center or clinic  
14 identified to the board.

15 (f) When prescribing psychotropic medication for a  
16 patient, a psychologist who holds a conditional prescription  
17 certificate shall maintain an ongoing collaborative relationship  
18 with the doctor of medicine who oversees the patient's general  
19 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           (g) A prescription written by a psychologist who holds a  
4 conditional prescription certificate 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          (h) A psychologist holding a conditional prescription  
12 certificate shall not delegate prescriptive authority to any  
13 person. Records of all prescriptions shall be maintained in the  
14 prescribing psychologist's patient records.

15          (i) When authorized to prescribe controlled substances, a  
16 psychologist holding a conditional prescription certificate  
17 shall file with the board, in a timely manner, all individual  
18 federal Drug Enforcement Administration registration numbers.

19          **§465-D Prescription certificate.** (a) A psychologist may  
20 apply to the board for a prescription certificate. The  
21 application shall be made on a form approved by the board and be



1 accompanied by evidence satisfactory to the board that the  
2 applicant:

3 (1) Has been issued a conditional prescription certificate  
4 and has successfully completed two years of  
5 prescribing psychotropic medication as certified by  
6 the supervising prescribing mental health  
7 professional;

8 (2) Has successfully undergone a process of independent  
9 peer review approved by the board of medical examiners  
10 and the Hawaii primary care association;

11 (3) Holds a current license to practice psychology in the  
12 State of Hawaii;

13 (4) Has malpractice insurance in place, sufficient to  
14 satisfy the rules adopted by the board, that will  
15 cover the applicant as a prescribing psychologist; and

16 (5) Meets all other requirements, as determined by rules  
17 adopted by the board pursuant to chapter 91, for  
18 obtaining a prescription certificate.

19 (b) The board shall issue a prescription certificate if it  
20 finds that the applicant has met the requirements of subsection  
21 (a).



1 (c) A psychologist with a prescription certificate may  
2 prescribe psychotropic medication if the psychologist:

3 (1) Continues to hold a current license to practice  
4 psychology in Hawaii and continues to maintain  
5 malpractice insurance;

6 (2) Annually satisfies the continuing education  
7 requirements for prescribing psychologists, as set by  
8 the board, which shall be no fewer than twenty hours  
9 each year, at least half of which shall be in  
10 pharmacology or psychopharmacology; and

11 (3) Continues to maintain an ongoing collaborative  
12 relationship with the doctor of medicine who  
13 supervises the psychologist directly or by  
14 telecommunication and oversees the patient's general  
15 medical care to ensure that:

16 (A) Necessary medical examinations are conducted;

17 (B) Psychotropic medication prescribed is appropriate  
18 for the patient's medical condition; and

19 (C) Significant changes in the patient's medical or  
20 psychological condition are discussed.

21 **§465-E Administration.** (a) The board shall adopt rules  
22 pursuant to chapter 91 establishing the procedures to be



1 followed to obtain a conditional prescription certificate, a  
2 prescription certificate, and renewal of a conditional  
3 prescription certificate and prescription certificate. The  
4 board may set reasonable application and renewal fees.

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

15 (c) The board shall maintain current records on every  
16 prescribing psychologist, including federal registrations and  
17 numbers.

18 (d) The board shall provide to the board of pharmacy an  
19 annual list of psychologists holding a conditional prescription  
20 certificate or prescription certificate that contains the  
21 information agreed upon between the board and the board of  
22 pharmacy. The board shall promptly provide the board of



1 pharmacy with the names of any psychologists who are added or  
2 deleted from the list.

3 **§465-F Narcotics; prohibited.** This part shall not be  
4 construed to permit a psychologist holding a conditional  
5 prescription certificate or prescription certificate to  
6 administer or prescribe a narcotic.

7 **§465-G Exclusionary formulary list.** The exclusionary  
8 formulary list shall specify the types of medications that  
9 psychologists holding either a conditional prescription  
10 certificate or a prescription certificate shall be prohibited  
11 from prescribing or administering. The exclusionary formulary  
12 list shall include the following types of medications:

- 13 (1) All narcotics;
- 14 (2) All monoamine oxidase inhibitors;
- 15 (3) All anti-psychotic medications;
- 16 (4) All amphetamines;
- 17 (5) All non-psychotropic medications;
- 18 (6) Lithium; and
- 19 (7) Serzone.

20 **§465-H Joint formulary advisory committee; establishment,**  
21 **composition, and duties.** (a) The department of health shall



1 establish a joint formulary advisory committee to periodically  
2 review the exclusionary formulary list.

3 (b) The joint formulary advisory committee shall recommend  
4 amendments to the exclusionary formulary list as it deems fit,  
5 subject to the limitations set forth in section 465-G. The  
6 board of psychology shall adopt the recommended exclusionary  
7 formulary list as established by the joint formulary advisory  
8 committee in its rules.

9 (c) The joint formulary advisory committee shall review  
10 the exclusionary formulary list no less than once per quarter,  
11 and as frequently as it deems necessary.

12 (d) The joint formulary advisory committee shall consist  
13 of:

14 (1) Two persons licensed under chapter 453 as physicians  
15 specializing in psychiatry;

16 (2) One person licensed in psychiatry by the board of  
17 medical examiners;

18 (3) One person licensed as a pharmacist by the board of  
19 pharmacy; and

20 (4) One medical director from a federally qualified health  
21 center in the State."



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

4 **"PART I. GENERAL PROVISIONS"**

5 SECTION 4. Section 465-3, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

- 8 (1) Any person teaching, lecturing, consulting, or  
9 engaging in research in psychology insofar as the  
10 activities are performed as part of or are dependent  
11 upon employment in a college or university; provided  
12 that the person shall not engage in the practice of  
13 psychology outside the responsibilities of the  
14 person's employment;
- 15 (2) Any person who performs any, or any combination of the  
16 professional services defined as the practice of  
17 psychology under the direction of a licensed  
18 psychologist in accordance with rules adopted by the  
19 board; provided that the person may use the term  
20 "psychological assistant", but shall not identify the  
21 person's self as a psychologist or imply that the  
22 person is licensed to practice psychology;



- 1           (3) Any person employed by a local, state, or federal  
2           government agency in a school psychologist or  
3           psychological examiner position, or a position that  
4           does not involve diagnostic or treatment services, but  
5           only at those times when that person is carrying out  
6           the functions of such government employment;
- 7           (4) Any person who is a student of psychology, a  
8           psychological intern, or a resident in psychology  
9           preparing for the profession of psychology under  
10          supervision in a training institution or facility and  
11          who is designated by a title as "psychology trainee",  
12          "psychology student", "psychology intern", or  
13          "psychology resident", that indicates the person's  
14          training status; provided that the person shall not  
15          identify the person's self as a psychologist or imply  
16          that the person is licensed to practice psychology;
- 17          (5) Any person who is a member of another profession  
18          licensed under the laws of this jurisdiction to render  
19          or advertise services, including psychotherapy, within  
20          the scope of practice as defined in the statutes or  
21          rules regulating the person's professional practice;  
22          provided that, notwithstanding section 465-1, the



1 person does not represent the person's self to be a  
2 psychologist or does not represent that the person is  
3 licensed to practice psychology;

4 (6) Any person who is a member of a mental health  
5 profession not requiring licensure; provided that the  
6 person functions only within the person's professional  
7 capacities; and provided further that the person does  
8 not represent the person to be a psychologist, or the  
9 person's services as psychological; or

10 (7) Any person who is a duly recognized member of the  
11 clergy; provided that the person functions only within  
12 the person's capacities as a member of the clergy; and  
13 provided further that the person does not represent  
14 the person to be a psychologist, or the person's  
15 services as psychological.

16 (b) Nothing in this chapter shall in any way restrict any  
17 person from carrying on any of the psychological activities as  
18 defined in section 465-1; provided that such person does not  
19 offer psychological services as defined in this chapter except  
20 as such activities are incidental to the person's lawful  
21 occupational purpose.



1 (c) A person may use the title of  
2 industrial/organizational psychologist, provided that the person  
3 registers with the board, and:

- 4 (1) Is professionally competent in the practice of  
5 industrial/organizational psychology;
- 6 (2) Holds a doctoral degree from an accredited institution  
7 of higher education with training and education in  
8 industrial/organizational psychology, satisfactory to  
9 the board; and
- 10 (3) Provides psychological service or consultation to  
11 organizations which does not involve the delivery or  
12 supervision of direct psychological services to  
13 individuals or groups of individuals, without regard  
14 to the source or extent of payment for services  
15 rendered.

16 (d) Nothing in this chapter shall prevent the provision of  
17 expert testimony by a psychologist who is otherwise exempted by  
18 this chapter.

19 ~~[(e) Nothing in this chapter shall be construed as  
20 permitting the administration or prescription of drugs, or in  
21 any way engaging in the practice of medicine as defined in the  
22 laws of the State.] "~~



1           SECTION 5. The Hawaii state health planning and  
2 development agency shall submit to the legislature a report,  
3 including any proposed legislation, no later than twenty days  
4 prior to the convening of the regular session of 2010,  
5 evaluating the status of mental health care in the State after  
6 providing prescriptive authority to certain psychologists. To  
7 assist the legislature in assessing the viability of continuing  
8 prescriptive authority for psychologists, the report shall  
9 include recommendations whether prescriptive authority for  
10 psychologists should be amended, repealed, or continued.

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

13           SECTION 7. This Act shall take effect on July 1, 2050, and  
14 shall be repealed on July 1, 2013; provided that section 5 shall  
15 take effect on July 1, 2007; and provided that section 465-3,  
16 Hawaii Revised Statutes, shall be reenacted in the form in which  
17 it read on the day before the effective date of this Act.



**Report Title:**

Prescriptive Authority; Psychologists

**Description:**

Authorizes prescriptive authority for qualified psychologists who practice at a federally qualified health center. (SD2)

