

JAN 19 2007

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 "Collaborative relationship" means a cooperative working
2 relationship between a psychologist holding a conditional
3 prescription certificate and a doctor of medicine in the
4 provision of patient care, including diagnosis and cooperation
5 in the management and delivery of physical and mental
6 healthcare.

7 "Medical psychologist" means a psychologist who has
8 undergone specialized training in clinical psychopharmacology
9 and has passed a national proficiency examination in
10 psychopharmacology approved by the state board of examiners of
11 psychologists and who holds a current prescription certificate
12 issued by the board.

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

15 "Prescribing mental health professional" means a medically
16 trained and licensed physician or psychiatrist.

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

20 **§465-B Conditional prescription certificate; application.**

21 (a) A psychologist may apply to the board for a conditional
22 prescription certificate. The application shall be made on a



1 form approved by the board, and be accompanied by evidence
2 satisfactory to the board, that the applicant:

3 (1) Holds a current license in good standing to practice
4 psychology in the State of Hawaii;

5 (2) Has successfully completed a planned sequence of
6 psychopharmacological training from a regional
7 accredited institution of higher learning. The
8 training shall be consistent with the American
9 Psychological Association's Recommended Postdoctoral
10 Training in Psychopharmacology for Prescription
11 Privileges. The training shall include a two year
12 postdoctoral program of no less than thirty credit
13 hours (four hundred and fifty hours classroom
14 instruction) in at least the following core areas of
15 instruction:

16 (A) Anatomy and physiology;

17 (B) Biochemistry;

18 (C) Neurosciences (neuroanatomy, neurochemistry,
19 neurophysiology);

20 (D) Pharmacology and clinical pharmacology;

21 (E) Psychopharmacology;

22 (F) Pathophysiology;



- 1 (G) Health assessment, including relevant physical
2 and laboratory assessment; and
3 (H) Clinical pharmacotherapeutics; and
4 (3) Has successfully completed twelve credit hours
5 consisting of a supervised practicum of at least one
6 year involving four hundred hours treating a diverse
7 population of no fewer than one hundred patients with
8 mental disorders. A licensed healthcare provider who
9 is experienced in the provision of
10 psychopharmacotherapy shall supervise the practicum.
11 The practicum shall include at least two hours of
12 weekly supervision and the supervisor shall not be in
13 the employ of the person being directed or supervised;
14 (4) Has passed a national proficiency examination approved
15 by the board that tests the applicant's knowledge of
16 pharmacology in the diagnosis, care, and treatment of
17 mental disorders; provided that the board shall
18 establish what constitutes a passing score and the
19 number of times an applicant may re-take the
20 examination within a specific time period;



- 1 (5) Has applied for a federal Drug Enforcement
2 Administration registration number for limited use as
3 restricted by state law;
- 4 (6) Has malpractice insurance in place sufficient to
5 satisfy the rules adopted by the board that will cover
6 the applicant during the period the conditional
7 prescription certificate is in effect;
- 8 (7) Is employed or contracted by, and will practice the
9 prescribing authority at:
- 10 (A) A federally qualified health center established
11 under title 42 United States Code section 1396;
- 12 (B) A licensed health clinic located in a federally
13 designated medically underserved area as defined
14 by title 42 Code of Federal Regulations part 62;
15 or
- 16 (C) A licensed health clinic located in a mental
17 health professional shortage area; and
- 18 (8) Meets all other requirements, as determined by rules
19 adopted by the board pursuant to chapter 91, for
20 obtaining a conditional prescription certificate.



1 (b) The board shall issue a conditional prescription
2 certificate if it finds that the applicant has met the
3 requirements of subsection (a).

4 (c) The conditional prescription certificate shall be
5 immediately relinquished by the psychologist if the psychologist
6 no longer meets the requirements of subsection (a).

7 **§465-C Conditional prescription certificate; powers,**
8 **duties, and responsibilities.** (a) A psychologist holding a
9 conditional prescription certificate shall continue to hold a
10 current license to practice psychology in Hawaii and continue to
11 maintain malpractice insurance.

12 (b) A psychologist holding a conditional prescription
13 certificate shall inform the board of:

14 (1) The name of the prescribing mental health professional
15 under whose supervision the psychologist will
16 prescribe psychotropic medication and the name of the
17 federally qualified health center; and

18 (2) The licensed health clinic located in a federally
19 designated medically underserved area, or the licensed
20 health clinic located in a mental health professional
21 shortage area, in which the psychologist practices;



1 provided that the psychologist holding a conditional
2 prescription certificate shall promptly inform the board of any
3 change of the prescribing mental health professional.

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

8 (d) A psychologist holding a conditional prescription
9 certificate may administer and prescribe psychotropic medication
10 within the recognized scope of the profession, provided that
11 those medications are not prohibited by the exclusionary
12 formulary list, pursuant to section 465-G. A psychologist who
13 holds a conditional prescription certificate may order and
14 review laboratory tests in conjunction with the prescription,
15 for the treatment of mental disorders.

16 (e) A psychologist who holds a conditional prescription
17 certificate may prescribe only those medications in subsection
18 (d) to patients under the care of the psychologist and who is
19 enrolled at a federally qualified health center or clinic
20 identified to the board.

21 (f) When prescribing psychotropic medication for a
22 patient, a psychologist who holds a conditional prescription



1 certificate shall maintain an ongoing collaborative relationship
2 with the doctor of medicine who oversees the patient's general
3 medical care to ensure that:

- 4 (1) Necessary medical examinations are conducted;
- 5 (2) The psychotropic medication is appropriate for the
6 patient's medical condition; and
- 7 (3) Significant changes in the patient's medical or
8 psychological condition are discussed.

9 (g) A prescription written by a psychologist who holds a
10 conditional prescription certificate shall:

- 11 (1) Comply with applicable state and federal laws;
- 12 (2) Be identified as issued by the psychologist as
13 "psychologist certified to prescribe"; and
- 14 (3) Include the psychologist's board number or the
15 identification number assigned by the department of
16 commerce and consumer affairs.

17 (h) A psychologist holding a conditional prescription
18 certificate shall not delegate prescriptive authority to any
19 person. Records of all prescriptions shall be maintained in the
20 prescribing psychologist's patient records.

21 (i) When authorized to prescribe controlled substances, a
22 psychologist holding a conditional prescription certificate



1 shall file with the board, in a timely manner, all individual
2 federal Drug Enforcement Administration registration numbers.

3 **§465-D Prescription certificate.** (a) A psychologist may
4 apply to the board for a prescription certificate. The
5 application shall be made on a form approved by the board and be
6 accompanied by evidence satisfactory to the board that the
7 applicant:

- 8 (1) Has been issued a conditional prescription certificate
9 and has successfully completed two years of
10 prescribing psychotropic medication as certified by
11 the supervising prescribing mental health
12 professional;
- 13 (2) Has successfully undergone a process of independent
14 peer review approved by the board of medical examiners
15 and the Hawaii primary care association;
- 16 (3) Holds a current license to practice psychology in the
17 State of Hawaii;
- 18 (4) Has malpractice insurance in place, sufficient to
19 satisfy the rules adopted by the board, that will
20 cover the applicant as a prescribing psychologist; and



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

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

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

9 (1) Continues to hold a current license to practice
10 psychology in Hawaii and continues to maintain
11 malpractice insurance;

12 (2) Annually satisfies the continuing education
13 requirements for prescribing psychologists, as set by
14 the board, which shall be no fewer than twenty hours
15 each year, at least half of which shall be in
16 pharmacology or psychopharmacology; and

17 (3) Continues to maintain an ongoing collaborative
18 relationship with the doctor of medicine who oversees
19 the patient's general medical care to ensure that:

20 (A) Necessary medical examinations are conducted;

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



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

3 **§465-E Administration.** (a) The board shall adopt rules
4 pursuant to chapter 91 establishing the procedures to be
5 followed to obtain a conditional prescription certificate, a
6 prescription certificate, and renewal of a conditional
7 prescription certificate and prescription certificate. The
8 board may set reasonable application and renewal fees.

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

19 (c) The board shall maintain current records on every
20 prescribing psychologist, including federal registrations and
21 numbers.



1 (d) The board shall provide to the board of pharmacy an
2 annual list of psychologists holding a conditional prescription
3 certificate or prescription certificate that contains the
4 information agreed upon between the board and the board of
5 pharmacy. The board shall promptly provide the board of
6 pharmacy of psychologists with the names of any psychologists
7 who are added or deleted from the list.

8 **§465-F Narcotics; prohibited.** This part shall not be
9 construed to permit a psychologist holding a conditional
10 prescription certificate or prescription certificate to
11 administer or prescribe a narcotic.

12 **§465-G Exclusionary formulary list.** The exclusionary
13 formulary list shall specify the types of medications that
14 psychologists holding either a conditional prescription
15 certificate or a prescription certificate shall be prohibited
16 from prescribing or administering. The exclusionary formulary
17 list shall include the following types of medications:

- 18 (1) All narcotics;
- 19 (2) All monoamine oxidase inhibitors;
- 20 (3) All anti-psychotic medications;
- 21 (4) All amphetamines;
- 22 (5) All non-psychotropic medications;



1 (6) Lithium; and

2 (7) Serzone.

3 §465-H Joint formulary advisory committee; establishment,

4 composition, and duties. (a) The department of health shall

5 establish a joint formulary advisory committee to periodically

6 review the exclusionary formulary list.

7 (b) The joint formulary advisory committee shall recommend

8 amendments to the exclusionary formulary list as it deems fit,

9 subject to the limitations set forth in section 465-G. The

10 board of psychology shall adopt the recommended exclusionary

11 formulary list as established by the joint formulary advisory

12 committee in its rules.

13 (c) The joint formulary advisory committee shall review

14 the exclusionary formulary list no less than once per quarter,

15 and as frequently as it deems necessary.

16 (d) The joint formulary advisory committee shall consist

17 of:

18 (1) Two persons licensed as psychologists by the board of
19 psychology;

20 (2) One person licensed in psychiatry by the board of
21 medical examiners;



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

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

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

8 **"PART I. GENERAL PROVISIONS"**

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

11 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

12 (1) Any person teaching, lecturing, consulting, or
13 engaging in research in psychology insofar as the
14 activities are performed as part of or are dependent
15 upon employment in a college or university; provided
16 that the person shall not engage in the practice of
17 psychology outside the responsibilities of the
18 person's employment;

19 (2) Any person who performs any, or any combination of the
20 professional services defined as the practice of
21 psychology under the direction of a licensed
22 psychologist in accordance with rules adopted by the



1 board; provided that the person may use the term
2 "psychological assistant", but shall not identify the
3 person's self as a psychologist or imply that the
4 person is licensed to practice psychology;

5 (3) Any person employed by a local, state, or federal
6 government agency in a school psychologist or
7 psychological examiner position, or a position that
8 does not involve diagnostic or treatment services, but
9 only at those times when that person is carrying out
10 the functions of such government employment;

11 (4) Any person who is a student of psychology, a
12 psychological intern, or a resident in psychology
13 preparing for the profession of psychology under
14 supervision in a training institution or facility and
15 who is designated by a title as "psychology trainee",
16 "psychology student", "psychology intern", or
17 "psychology resident", that indicates the person's
18 training status; provided that the person shall not
19 identify the person's self as a psychologist or imply
20 that the person is licensed to practice psychology;

21 (5) Any person who is a member of another profession
22 licensed under the laws of this jurisdiction to render



1 or advertise services, including psychotherapy, within
2 the scope of practice as defined in the statutes or
3 rules regulating the person's professional practice;
4 provided that, notwithstanding section 465-1, the
5 person does not represent the person's self to be a
6 psychologist or does not represent that the person is
7 licensed to practice psychology;

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

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

20 (b) Nothing in this chapter shall in any way restrict any
21 person from carrying on any of the psychological activities as
22 defined in section 465-1; provided that such person does not



1 offer psychological services as defined in this chapter except
2 as such activities are incidental to the person's lawful
3 occupational purpose.

4 (c) A person may use the title of
5 industrial/organizational psychologist, provided that the person
6 registers with the board, and:

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

19 (d) Nothing in this chapter shall prevent the provision of
20 expert testimony by a psychologist who is otherwise exempted by
21 this chapter.



1 ~~[(c) Nothing in this chapter shall be construed as~~
2 ~~permitting the administration or prescription of drugs, or in~~
3 ~~any way engaging in the practice of medicine as defined in the~~
4 ~~laws of the State.] "~~

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

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval
18 and shall be repealed on July 1, 2013; provided that section
19 465-3, Hawaii Revised Statutes, shall be reenacted in the form



1 in which it read on the day before the effective date of this
2 Act.
3

INTRODUCED BY:

[Handwritten Signature]

Resdy H Baker

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Report Title:

Prescriptive Authority; Psychologists

Description:

Authorizes prescriptive authority for qualified psychologists who practice at a federally qualified health center, a health clinic located in a medically underserved area, or an area federally designated as a mental health professional shortage area.

