
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
17 Mexico adopted legislation authorizing prescriptive authority
18 for psychologists without regard to the service setting.



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

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



1 collaborative relationships with primary care physicians for
2 mental health treatment of the underserved.

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

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



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

15 Since 1988, federal law has recognized the extraordinarily
16 poor health of native Hawaiians. In Hawaii, native Hawaiians
17 have the highest rate of untreated medical and psychological
18 concerns, and higher rates than other indigenous and minority
19 individuals in the United States. Recent concerns include the
20 impact of the crystal methamphetamine epidemic and related
21 substance abuse issues, such as those occurring in Waianae,
22 Molokai, and Waimanalo. This epidemic, coupled with the



1 economic and cultural distress of the native Hawaiian
2 population, has created unprecedented demands for services from
3 an already overtaxed mental health system.

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

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



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

8 The purpose of this Act is to authorize appropriately
9 trained and supervised licensed medical psychologists practicing
10 in federally qualified health centers to prescribe psychotropic
11 medications for the treatment of mental illness.

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

15 **"PART . PRESCRIPTION CERTIFICATION**

16 **§465-A Definitions.** As used in this part, unless the
17 context otherwise requires:

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

20 "Prescribing mental health professional" means a medically
21 trained and licensed physician or psychiatrist.



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

4 **§465-B Conditional prescription certificate; application.**

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

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

22 (A) Anatomy and physiology;



- 1 (B) Biochemistry;
- 2 (C) Neurosciences (neuroanatomy, neurochemistry,
- 3 neurophysiology);
- 4 (D) Pharmacology and clinical pharmacology;
- 5 (E) Psychopharmacology;
- 6 (F) Pathophysiology;
- 7 (G) Health assessment, including relevant physical
- 8 and laboratory assessment; and
- 9 (H) Clinical pharmacotherapeutics; and
- 10 (3) Has successfully completed twelve credit hours
- 11 consisting of a supervised practicum of at least one
- 12 year involving four hundred hours treating a diverse
- 13 population of no fewer than one hundred patients with
- 14 mental disorders. A licensed healthcare provider who
- 15 is experienced in the provision of
- 16 psychopharmacotherapy shall supervise the practicum.
- 17 The practicum shall include at least two hours of
- 18 weekly supervision and the supervisor shall not be in
- 19 the employ of the person being directed or supervised;
- 20 (4) Has passed a national proficiency examination approved
- 21 by the board that tests the applicant's knowledge of
- 22 pharmacology in the diagnosis, care, and treatment of



1 mental disorders; provided that the board shall
2 establish what constitutes a passing score and the
3 number of times an applicant may re-take the
4 examination within a specific time period;

5 (5) Has applied for a federal Drug Enforcement
6 Administration registration number for limited use as
7 restricted by state law;

8 (6) Has malpractice insurance in place sufficient to
9 satisfy the rules adopted by the board that will cover
10 the applicant during the period the conditional
11 prescription certificate is in effect;

12 (7) Is employed or contracted by, and will practice the
13 prescribing authority at a federally qualified health
14 center established under title 42 United States Code
15 section 1396; and

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

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



1 (c) The conditional prescription certificate shall be
2 immediately relinquished by the psychologist if the psychologist
3 no longer meets the requirements of subsection (a).

4 **§465-C Conditional prescription certificate; powers,**
5 **duties, and responsibilities.** (a) A psychologist holding a
6 conditional prescription certificate shall continue to hold a
7 current license to practice psychology in Hawaii and continue to
8 maintain malpractice insurance.

9 (b) A psychologist holding a conditional prescription
10 certificate shall inform the board of the name of the
11 prescribing mental health professional under whose supervision
12 the psychologist will prescribe psychotropic medication and the
13 name of the federally qualified health center; provided that the
14 psychologist holding a conditional prescription certificate
15 shall promptly inform the board of any change of the prescribing
16 mental health professional.

17 (c) A psychologist holding a conditional prescription
18 certificate shall maintain an ongoing collaborative relationship
19 with the doctor of medicine who oversees the patient's general
20 medical care.

21 (d) A psychologist holding a conditional prescription
22 certificate may administer and prescribe psychotropic medication



1 within the recognized scope of the profession; provided that
2 those medications are not prohibited by the exclusionary
3 formulary list, pursuant to section 465-G.

4 (e) A psychologist who holds a conditional prescription
5 certificate may prescribe only those medications in subsection
6 (d) to patients under the care of the psychologist and who is
7 enrolled at a federally qualified health center or clinic
8 identified to the board.

9 (f) When prescribing psychotropic medication for a
10 patient, a psychologist who holds a conditional prescription
11 certificate shall maintain an ongoing collaborative relationship
12 with the doctor of medicine who oversees the patient's general
13 medical care to ensure that:

- 14 (1) Necessary medical examinations are conducted;
15 (2) The psychotropic medication is appropriate for the
16 patient's medical condition; and
17 (3) Significant changes in the patient's medical or
18 psychological condition are discussed.

19 (g) A prescription written by a psychologist who holds a
20 conditional prescription certificate shall:

- 21 (1) Comply with applicable state and federal laws;



- 1 (2) Be identified as issued by the psychologist as
2 "psychologist certified to prescribe"; and
3 (3) Include the psychologist's board number or the
4 identification number assigned by the department of
5 commerce and consumer affairs.

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

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

14 **§465-D Prescription certificate.** (a) A psychologist may
15 apply to the board for a prescription certificate. The
16 application shall be made on a form approved by the board and be
17 accompanied by evidence satisfactory to the board that the
18 applicant:

- 19 (1) Has been issued a conditional prescription certificate
20 and has successfully completed two years of
21 prescribing psychotropic medication as certified by



1 the supervising prescribing mental health
2 professional;

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

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

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

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

14 (b) The board shall issue a prescription certificate if it
15 finds that the applicant has met the requirements of subsection

16 (a).

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

19 (1) Continues to hold a current license to practice
20 psychology in Hawaii and continues to maintain
21 malpractice insurance;



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

6 (3) Continues to maintain an ongoing collaborative
7 relationship with the doctor of medicine who
8 supervises the psychologist directly or by
9 telecommunication and oversees the patient's general
10 medical care to ensure that:

11 (A) Necessary medical examinations are conducted;

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

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

16 **§465-E Administration.** (a) The board shall adopt rules
17 pursuant to chapter 91 establishing the procedures to be
18 followed to obtain a conditional prescription certificate, a
19 prescription certificate, and renewal of a conditional
20 prescription certificate and prescription certificate. The
21 board may set reasonable application and renewal fees.



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

11 (c) The board shall maintain current records on every
12 prescribing psychologist, including federal registrations and
13 numbers.

14 (d) The board shall provide to the board of pharmacy an
15 annual list of psychologists holding a conditional prescription
16 certificate or prescription certificate that contains the
17 information agreed upon between the board and the board of
18 pharmacy. The board shall promptly provide the board of
19 pharmacy with the names of any psychologists who are added or
20 deleted from the list.

21 **§465-F Narcotics; prohibited.** This part shall not be
22 construed to permit a psychologist holding a conditional



1 prescription certificate or prescription certificate to
2 administer or prescribe a narcotic.

3 **§465-G Exclusionary formulary list.** The exclusionary
4 formulary list shall specify the types of medications that
5 psychologists holding either a conditional prescription
6 certificate or a prescription certificate shall be prohibited
7 from prescribing or administering. The exclusionary formulary
8 list shall include the following types of medications:

- 9 (1) All narcotics;
- 10 (2) All monoamine oxidase inhibitors;
- 11 (3) All anti-psychotic medications;
- 12 (4) All amphetamines;
- 13 (5) All non-psychotropic medications;
- 14 (6) Lithium; and
- 15 (7) Serzone.

16 **§465-H Joint formulary advisory committee; establishment,**
17 **composition, and duties.** (a) The department of commerce and
18 consumer affairs shall establish a joint formulary advisory
19 committee to periodically review the exclusionary formulary
20 list.

21 (b) The joint formulary advisory committee shall recommend
22 amendments to the exclusionary formulary list as it deems fit,



1 subject to the limitations set forth in section 465-G. The
2 board of psychology shall adopt the recommended exclusionary
3 formulary list as established by the joint formulary advisory
4 committee in its rules.

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

8 (d) The joint formulary advisory committee shall consist
9 of:

10 (1) Two persons licensed under chapter 453 as physicians
11 specializing in psychiatry;

12 (2) One person licensed in psychiatry by the board of
13 medical examiners;

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

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

18 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
19 amended by designating sections 465-1 to 465-15 as part I and
20 entitling it as follows:

21 **"PART I. GENERAL PROVISIONS"**



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

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

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



1 only at those times when that person is carrying out
2 the functions of such government employment;

3 (4) Any person who is a student of psychology, a
4 psychological intern, or a resident in psychology
5 preparing for the profession of psychology under
6 supervision in a training institution or facility and
7 who is designated by a title as "psychology trainee",
8 "psychology student", "psychology intern", or
9 "psychology resident", that indicates the person's
10 training status; provided that the person shall not
11 identify the person's self as a psychologist or imply
12 that the person is licensed to practice psychology;

13 (5) Any person who is a member of another profession
14 licensed under the laws of this jurisdiction to render
15 or advertise services, including psychotherapy, within
16 the scope of practice as defined in the statutes or
17 rules regulating the person's professional practice;
18 provided that, notwithstanding section 465-1, the
19 person does not represent the person's self to be a
20 psychologist or does not represent that the person is
21 licensed to practice psychology;



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

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

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

19 (c) A person may use the title of industrial/
20 organizational psychologist, provided that the person registers
21 with the board, and:



- 1 (1) Is professionally competent in the practice of
2 industrial/organizational psychology;
- 3 (2) Holds a doctoral degree from an accredited institution
4 of higher education with training and education in
5 industrial/organizational psychology, satisfactory to
6 the board; and
- 7 (3) Provides psychological service or consultation to
8 organizations which does not involve the delivery or
9 supervision of direct psychological services to
10 individuals or groups of individuals, without regard
11 to the source or extent of payment for services
12 rendered.
- 13 (d) Nothing in this chapter shall prevent the provision of
14 expert testimony by a psychologist who is otherwise exempted by
15 this chapter.

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

20 SECTION 5. The Hawaii state health planning and
21 development agency shall submit to the legislature a report,
22 including any proposed legislation, no later than twenty days



1 prior to the convening of the regular session of 2010,
2 evaluating the status of mental health care in the State after
3 providing prescriptive authority to certain psychologists. To
4 assist the legislature in assessing the viability of continuing
5 prescriptive authority for psychologists, the report shall
6 include recommendations whether prescriptive authority for
7 psychologists should be amended, repealed, or continued.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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



Report Title:

Psychologists; Prescriptive Authority

Description:

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

