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# A BILL FOR AN ACT

RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN CLINICAL  
PSYCHOLOGISTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds there are not enough  
2     prescribing mental health care providers available to serve the  
3     needs of Hawaii's people. Because of this shortage, access to  
4     quality, comprehensive, and affordable health care can be  
5     facilitated and enhanced by collaborative practice between  
6     licensed clinical psychologists and medical doctors.  
7     Authorizing qualified clinical psychologists with appropriate  
8     advanced training to prescribe from a limited formulary of  
9     psychotropic medication will benefit Hawaii residents who live  
10    in rural or medically underserved communities, where mental  
11    health professionals with prescriptive authority are in short  
12    supply.

13           The legislature further finds that the mental health needs  
14    of the State continue to outweigh present capacity. According  
15    to the Annual Report on Findings from the Hawaii Physician  
16    Workforce Assessment Project (December 2018), psychiatrist



1 shortages are highest in Maui and Kauai counties. Maui county  
2 has the greatest shortage, at 36.91 per cent, followed by Kauai  
3 county with a 33.30 per cent shortage, and then Hawaii county  
4 with a 32.95 per cent shortage. The 2018 report reflected no  
5 shortage of psychiatrists in the city and county of Honolulu,  
6 however these calculations do not factor in the additional  
7 systemic barriers related to accessing care in urban areas, such  
8 as long wait times to see psychiatrists, psychiatrists not  
9 taking new patients due to being overbooked, and psychiatrists  
10 not taking medicaid or medicare insurance. As high as these  
11 shortages are, the 2018 report notes that these measurements are  
12 based on the assumption that there is an adequate number of  
13 primary care physicians in each county. Since there are  
14 critical shortages of primary care physicians in Hawaii, the  
15 psychiatrist shortages may be underestimated.

16 Lack of access to appropriate mental health treatment has  
17 serious and irrevocable consequences for many Hawaii residents.  
18 According to the department of health, of the ten leading  
19 injury-related causes of death, death by suicide is the number  
20 one cause among Hawaii residents from the ages of fifteen to  
21 twenty-four. Studies have shown that people who attempt or



1 commit suicide have often received inadequate or no mental  
2 health treatment due to the effects of a shortage of community  
3 mental health providers. While causes for suicide are complex,  
4 the most commonly reported contributing factors are mental  
5 health conditions that, when identified and treated, respond  
6 favorably to therapy and psychotropic medication.

7 A 2016 Hawaii News Now article reported that sixty-one per  
8 cent of all people arrested in 2015 on Oahu suffered from  
9 serious mental illness or severe substance intoxication. This  
10 almost two-fold increase occurred in the period following  
11 substantial cuts to state-supported mental health services in  
12 2009.

13 According to the National Alliance on Mental Illness and  
14 the federal Substance Abuse and Mental Health Services  
15 Administration, approximately thirty-two thousand adults in  
16 Hawaii, representing more than three per cent of the population,  
17 live with serious mental illness. The actual scope of need in  
18 the State is even greater since this figure excludes individuals  
19 with clinical diagnoses such as unipolar depression, anxiety  
20 disorders, adjustment disorders, substance abuse, or post-  
21 traumatic stress disorder.



1           The legislature additionally finds that increasing the  
2 number of prescribing mental health providers would be  
3 beneficial to the State's homeless population. According to the  
4 2018 Hawaii Statewide Point-In-Time Count, there are an  
5 estimated 6,530 homeless persons in the State, with an estimated  
6 1,714 of those persons meeting the definition of chronically  
7 homeless. According to the 2018 Oahu Homeless Point-In-Time  
8 Count, there are an estimated 4,495 homeless persons on Oahu.  
9 Of those persons, a large number fall into four subpopulations  
10 that would likely benefit from increased access to prescribing  
11 mental health providers, including: 1,084 adults with a serious  
12 mental illness; 820 adults with a substance use disorder; 48  
13 adults with HIV/AIDS; and 280 adult survivors of domestic  
14 violence.

15           Clinical psychologists are licensed health professionals  
16 with an average of seven years of post-baccalaureate study and  
17 three thousand hours of post-graduate supervised practice in the  
18 diagnosis and treatment of mental illness. The American  
19 Psychological Association has developed a model curriculum for a  
20 master's degree in psychopharmacology for the education and  
21 training of prescribing psychologists. However, the current



1 allowable scope of clinical psychologists' practice in Hawaii  
2 does not include prescribing medications. Currently, these  
3 providers' patients must consult with and pay for another  
4 provider to obtain psychotropic medication when it is indicated.

5 The legislature has previously authorized prescription  
6 privileges for advanced practice registered nurses,  
7 optometrists, dentists, and naturopathic physicians. Licensed  
8 clinical psychologists with specialized education and training  
9 for prescriptive practice have been allowed to prescribe  
10 psychotropic medications to active duty military personnel and  
11 their families in federal facilities and the United States  
12 Public Health Service for decades. In recent years, Idaho,  
13 Iowa, Illinois, Louisiana, and New Mexico have adopted  
14 legislation authorizing prescriptive authority for advanced  
15 trained psychologists. Many of these prescribing psychologists  
16 have filled long-vacant public health positions or otherwise  
17 serve predominantly indigent and rural patient populations.

18 Independent evaluations of the federal Department of  
19 Defense psychopharmacological demonstration project by the  
20 Government Accountability Office and the American College of  
21 Neuropsychopharmacology, as well as the experiences in other



1 jurisdictions, have shown that appropriately trained  
2 psychologists can prescribe and administer medications safely  
3 and effectively.

4 The purpose of this Act is to authorize the board of  
5 psychology to grant prescriptive authority to prescribing  
6 psychologists who meet specific education, training, and  
7 registration requirements.

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

11 "PART . PRESCRIBING PSYCHOLOGISTS

12 §465-A Definitions. As used in this part unless the  
13 context otherwise requires:

14 "Advanced practice registered nurse with prescriptive  
15 authority" means an advanced practice registered nurse, as  
16 defined in section 457-2, with prescriptive authority granted  
17 pursuant to section 457-8.6.

18 "Clinical experience" means a period of supervised clinical  
19 training and practice in which clinical diagnoses and  
20 interventions, which can be completed and supervised as part of



1 or subsequent to earning a post-doctoral master of science  
2 degree in clinical psychopharmacology training, are learned.

3 "Controlled substance" has the same meaning as in section  
4 329-1.

5 "Forensically encumbered" means a person who has been  
6 detained by Hawaii courts for forensic examination or committed  
7 to a psychiatric facility under the care and custody of the  
8 director of health for appropriate placement by any court; has  
9 been placed on conditional release or released on conditions by  
10 a judge in Hawaii courts; or is involved in mental health court  
11 of a jail diversion program.

12 "Narcotic drug" has the same meaning as in section 329-1.

13 "Opiate" has the same meaning as in section 329-1.

14 "Prescribing psychologist" means a clinical psychologist  
15 who has undergone specialized training in clinical  
16 psychopharmacology, passed a national proficiency examination in  
17 psychopharmacology approved by the board, and been granted a  
18 prescriptive authority privilege by the board.

19 "Prescription" means an order for a psychotropic medication  
20 or any device or test directly related to the diagnosis and



1 treatment of mental and emotional disorders pursuant to the  
2 practice of psychology.

3 "Prescriptive authority privilege" means the authority  
4 granted by the board to prescribe and administer psychotropic  
5 medication and other directly related procedures within the  
6 scope of practice of psychology in accordance with rules adopted  
7 by the board.

8 "Primary care provider" means a physician or osteopathic  
9 physician licensed or exempt from licensure pursuant to section  
10 453-2 or an advanced practice registered nurse with prescriptive  
11 authority.

12 "Psychotropic medication" means only those agents related  
13 to the diagnosis and treatment of mental and emotional disorders  
14 pursuant to the practice of psychology, except drugs classified  
15 into schedule I, II, or III pursuant to chapter 329, opiates, or  
16 narcotic drugs; provided that psychotropic medication shall  
17 include stimulants for the treatment of attention deficit  
18 hyperactivity disorder regardless of the stimulants' schedule  
19 classification.

20 "Serious mental illness" means bipolar I disorder, bipolar  
21 II disorder, delusional disorder, major depressive disorder with



1 psychotic features, psychosis secondary to substance use,  
2 schizophrenia, schizophreniform disorder, and schizoaffective  
3 disorder, as defined by the most current version of the  
4 Diagnostic and Statistical Manual of Mental Disorders.

5 **§465-B Administration.** (a) The board shall prescribe  
6 application forms and fees for application for and renewal of  
7 prescriptive authority privilege pursuant to this part.

8 (b) The board shall develop and implement procedures to  
9 review the educational and training credentials of a  
10 psychologist applying for or renewing prescriptive authority  
11 privilege under this part, in accordance with current standards  
12 of professional practice.

13 (c) The board shall determine the exclusionary formulary  
14 for prescribing psychologists.

15 (d) The board shall have all other powers which may be  
16 necessary to carry out the purposes of this part.

17 **§465-C Prescriptive authority privilege; requirements.**  
18 Beginning on July 1, 2020, the board shall accept applications  
19 for prescriptive authority privilege. Every applicant for  
20 prescriptive authority privilege shall submit evidence



1 satisfactory to the board, in a form and manner prescribed by  
2 the board, that the applicant meets the following requirements:

3 (1) The applicant possesses a current license pursuant to  
4 section 465-7;

5 (2) The applicant successfully graduated with a post  
6 doctoral master's degree in clinical  
7 psychopharmacology from a regionally-accredited  
8 institution with a clinical psychopharmacology program  
9 designated by the American Psychological Association,  
10 or the equivalent of a post doctoral master's degree,  
11 as approved by the board; provided that any equivalent  
12 shall include study in a program offering intensive  
13 didactic education including instruction in anatomy  
14 and physiology, biochemistry, neuroanatomy,  
15 neurophysiology, neurochemistry, physical assessment  
16 and laboratory examinations, clinical medicine and  
17 pathophysiology, clinical and research pharmacology  
18 and psychopharmacology, clinical pharmacotherapeutics,  
19 research, and professional, ethical, and legal issues;  
20 (3) The applicant has clinical experience that includes:



- 1 (A) A minimum of four hundred hours completed in a  
2 clinical prescribing practicum including  
3 geriatric, pediatric, and pregnant patients  
4 completed in no less than twelve months and no  
5 more than forty-eight months;
- 6 (B) Supervision of a minimum of one hundred patients  
7 including geriatric, pediatric, and pregnant  
8 patients;
- 9 (C) A minimum of eighty hours completed in a physical  
10 assessment practicum in a primary care, family  
11 practice, community, or internal medicine  
12 setting;
- 13 (D) No less than one hundred hours of community  
14 service with homeless, veteran, or low-income  
15 populations; and
- 16 (E) No less than two hours per week of supervision by  
17 a primary care provider or a prescribing  
18 psychologist.
- 19 (4) The applicant has successfully passed the nationally  
20 recognized Psychopharmacology Examination for  
21 Psychologists developed and administered by the



1 Association of State and Provincial Psychology Boards,  
2 or other authority, relevant to establish competence  
3 across the following content areas: neuroscience,  
4 nervous system pathology, physiology and  
5 pathophysiology, biopsychosocial and pharmacologic  
6 assessment and monitoring, differential diagnosis,  
7 pharmacology, clinical psychopharmacology, research,  
8 integrating clinical psychopharmacology with the  
9 practice of psychology, diversity factors, and  
10 professional, legal, ethical, and interprofessional  
11 issues; provided that the passing score shall be  
12 determined by the Association of State and Provincial  
13 Psychology Boards, or other authority, as applicable.

14 **§465-D Prescriptive authority privilege; renewal. (a)**

15 The board shall implement a method for the renewal of  
16 prescriptive authority privilege in conjunction with the renewal  
17 of a license under section 465-11.

18 (b) To qualify for the renewal of prescriptive authority  
19 privilege, a prescribing psychologist shall present evidence  
20 satisfactory to the board that the prescribing psychologist has  
21 completed at least eighteen hours biennially of acceptable



1 continuing education, as determined by the board, relevant to  
2 the pharmacological treatment of mental and emotional disorders;  
3 provided that a first-time prescribing psychologist shall not be  
4 subject to the continuing education requirements under this  
5 section for the first prescriptive authority privilege renewal.

6 (c) The continuing education requirement under this  
7 section shall be in addition to the continuing education  
8 requirement under section 465-11.

9 (d) The board may conduct random audits of licensees to  
10 determine compliance with the continuing education requirement  
11 under this section. The board shall provide written notice of  
12 an audit to each licensee randomly selected for audit. Within  
13 sixty days of notification, the licensee shall provide the board  
14 with documentation verifying compliance with the continuing  
15 education requirement established by this section.

16 **§465-E Prescriptive authority privilege; prescribing**  
17 **practices.** (a) It shall be unlawful for any psychologist not  
18 granted prescriptive authority privilege under this part to  
19 prescribe, offer to prescribe, administer, or use any sign,  
20 card, or device to indicate that the psychologist is so  
21 authorized.



1 (b) A valid prescription issued by a prescribing  
2 psychologist shall be legibly written and contain, at a minimum,  
3 the following:

- 4 (1) Date of issuance;
- 5 (2) Original signature of the prescribing psychologist;
- 6 (3) Prescribing psychologist's name and business address;
- 7 (4) Name, strength, quantity, and specific instructions  
8 for the psychotropic medication to be dispensed;
- 9 (5) Name and address of the person for whom the  
10 prescription was written;
- 11 (6) Room number and route of administration if the patient  
12 is in an institutional facility; and
- 13 (7) Number of allowable refills, if applicable.
- 14 (c) A prescribing psychologist shall comply with all  
15 applicable state and federal laws and rules relating to the  
16 prescription and administration of psychotropic medication.
- 17 (d) A prescribing psychologist shall:
- 18 (1) Except as provided in paragraph (3), prescribe and  
19 administer psychotropic medication only in  
20 consultation with and pursuant to a written  
21 collaborative agreement with a patient's primary care



- 1 provider that is established and signed prior to  
2 prescribing any psychotropic medication for the  
3 patient;
- 4 (2) Make any changes to a medication treatment plan,  
5 including dosage adjustments, addition of medications,  
6 or discontinuation of medications only in consultation  
7 and collaboration with a patient's primary care  
8 provider;
- 9 (3) For patients who are forensically encumbered and for  
10 patients with a diagnosis of serious mental illness  
11 who are subject to the jurisdiction of the department  
12 of health:
- 13 (A) Prescribe and administer psychotropic medication  
14 only:
- 15 (i) In accordance with a treatment protocol  
16 agreed to by the prescribing psychologist  
17 and the treating department of health  
18 psychiatrist; and
- 19 (ii) With notification to all other health care  
20 providers treating the patient; and



1 (B) Enter into a collaborative agreement with the  
2 department of health prior to prescribing any  
3 psychotropic medication; and

4 (4) Document all consultations in the patient's medical  
5 record.

6 (e) A prescribing psychologist shall not prescribe or  
7 administer psychotropic medication for any patient who does not  
8 have a primary care provider.

9 (f) A prescribing psychologist shall not delegate  
10 prescriptive authority to any other person.

11 **§465-F Prescriptive authority privilege; exclusionary**  
12 **formulary.** (a) A prescribing psychologist shall only prescribe  
13 and administer medications for the treatment of mental health  
14 disorders as defined by the most current version of the  
15 Diagnostic and Statistical Manual of Mental Disorders.

16 (b) The exclusionary formulary for prescribing  
17 psychologists shall consist of drugs or categories of drugs  
18 adopted by the board.

19 (c) The exclusionary formulary and any revised formularies  
20 shall be made available to licensed pharmacies at the request of  
21 the pharmacy and at no cost.



1 (d) Under the exclusionary formulary, prescribing  
2 psychologists shall not prescribe or administer:

3 (1) Schedule I controlled substances pursuant to section  
4 329-14;

5 (2) Schedule II controlled substances pursuant to section  
6 329-16;

7 (3) Schedule III controlled substances pursuant to section  
8 329-18, including all narcotic drugs and opiates; and

9 (4) For indications other than those stated in the  
10 labeling approved by the federal Food and Drug  
11 Administration for patients seventeen years of age or  
12 younger;

13 provided that prescribing psychologists may prescribe and  
14 administer stimulants for the treatment of attention deficit  
15 hyperactivity disorder, regardless of the stimulants' schedule  
16 classification.

17 **§465-G Drug Enforcement Administration; registration.** (a)  
18 Every prescribing psychologist shall comply with all federal and  
19 state registration requirements to prescribe and administer  
20 psychotropic medication.



1 (b) Every prescribing psychologist shall file with the  
2 board the prescribing psychologist's federal Drug Enforcement  
3 Administration registration number. The registration number  
4 shall be filed before the prescribing psychologist issues any  
5 prescription for a psychotropic medication.

6 §465-H Violation; penalties. Any person who violates this  
7 part shall be guilty of a misdemeanor and, on conviction, fined  
8 no more than \$1,000 or imprisoned no more than one year, or  
9 both. Any person who violates this part may also be subject to  
10 disciplinary action by the board."

11 SECTION 3. Section 329-1, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By adding two new definitions to be appropriately  
14 inserted and to read:

15 "Prescribing psychologist" means a clinical psychologist  
16 who has undergone specialized training in clinical  
17 psychopharmacology, passed a national proficiency examination in  
18 psychopharmacology approved by the board, and been granted a  
19 prescriptive authority privilege by the board.

20 "Psychotropic medication" means only those agents related  
21 to the diagnosis and treatment of mental and emotional disorders



1 pursuant to the practice of psychology, as defined in section  
2 465-1, except drugs classified into schedule I, II, or III  
3 pursuant to this chapter, opiates, or narcotic drugs; provided  
4 that psychotropic medication shall include stimulants for the  
5 treatment of attention deficit hyperactivity disorder regardless  
6 of the stimulants' schedule classification."

7 2. By amending the definition of "practitioner" to read:

8 "Practitioner" means:

9 (1) A physician, dentist, veterinarian, scientific  
10 investigator, or other person licensed and registered  
11 under section 329-32 to distribute, dispense, or  
12 conduct research with respect to a controlled  
13 substance in the course of professional practice or  
14 research in this State;

15 (2) An advanced practice registered nurse with  
16 prescriptive authority licensed and registered under  
17 section 329-32 to prescribe and administer controlled  
18 substances in the course of professional practice in  
19 this State; [and]

20 (3) A prescribing psychologist licensed and registered  
21 under section 329-32 to prescribe and administer



1           psychotropic medication in the course of professional  
2           practice in this State; and

3           ~~[(3)]~~ (4) A pharmacy, hospital, or other institution  
4           licensed, registered, or otherwise permitted to  
5           distribute, dispense, conduct research with respect to  
6           or to administer a controlled substance in the course  
7           of professional practice or research in this State."

8           SECTION 4. Section 329-38, Hawaii Revised Statutes, is  
9           amended by amending subsection (i) to read as follows:

10           "(i) Prescriptions for controlled substances shall be  
11           issued only as follows:

12           (1) All prescriptions for controlled substances shall  
13           originate from within the State and be dated as of,  
14           and signed on, the day when the prescriptions were  
15           issued and shall contain:

16           (A) The first and last name and address of the  
17           patient; and

18           (B) The drug name, strength, dosage form, quantity  
19           prescribed, and directions for use. Where a  
20           prescription is for gamma hydroxybutyric acid,  
21           methadone, or buprenorphine, the practitioner



1           shall record as part of the directions for use,  
2           the medical need of the patient for the  
3           prescription.

4           Except for electronic prescriptions, controlled  
5           substance prescriptions shall be no larger than eight  
6           and one-half inches by eleven inches and no smaller  
7           than three inches by four inches. A practitioner may  
8           sign a prescription in the same manner as the  
9           practitioner would sign a check or legal document  
10          (e.g., J.H. Smith or John H. Smith) and shall use both  
11          words and figures (e.g., alphabetically and  
12          numerically as indications of quantity, such as five  
13          (5)), to indicate the amount of controlled substance  
14          to be dispensed. Where an oral order or electronic  
15          prescription is not permitted, prescriptions shall be  
16          written with ink or indelible pencil or typed, shall  
17          be manually signed by the practitioner, and shall  
18          include the name, address, telephone number, and  
19          registration number of the practitioner. The  
20          prescriptions may be prepared by a secretary or agent  
21          for the signature of the practitioner, but the



1           prescribing practitioner shall be responsible in case  
2           the prescription does not conform in all essential  
3           respects to this chapter and any rules adopted  
4           pursuant to this chapter. In receiving an oral  
5           prescription from a practitioner, a pharmacist shall  
6           promptly reduce the oral prescription to writing,  
7           which shall include the following information: the  
8           drug name, strength, dosage form, quantity prescribed  
9           in figures only, and directions for use; the date the  
10          oral prescription was received; the full name, Drug  
11          Enforcement Administration registration number, and  
12          oral code number of the practitioner; and the name and  
13          address of the person for whom the controlled  
14          substance was prescribed or the name of the owner of  
15          the animal for which the controlled substance was  
16          prescribed.

17                 A corresponding liability shall rest upon a  
18                 pharmacist who fills a prescription not prepared in  
19                 the form prescribed by this section. A pharmacist may  
20                 add a patient's missing address or change a patient's  
21                 address on all controlled substance prescriptions



1 after verifying the patient's identification and  
2 noting the identification number on the back of the  
3 prescription document on file. The pharmacist shall  
4 not make changes to the patient's name, the controlled  
5 substance being prescribed, the quantity of the  
6 prescription, the practitioner's Drug Enforcement  
7 Administration number, the practitioner's name, the  
8 practitioner's electronic signature, or the  
9 practitioner's signature;

10 (2) An intern, resident, or foreign-trained physician, or  
11 a physician on the staff of a Department of Veterans  
12 Affairs facility or other facility serving veterans,  
13 exempted from registration under this chapter, shall  
14 include on all prescriptions issued by the physician:

15 (A) The registration number of the hospital or other  
16 institution; and

17 (B) The special internal code number assigned to the  
18 physician by the hospital or other institution in  
19 lieu of the registration number of the  
20 practitioner required by this section.



1           The hospital or other institution shall forward a copy  
2           of this special internal code number list to the  
3           department as often as necessary to update the  
4           department with any additions or deletions. Failure  
5           to comply with this paragraph shall result in the  
6           suspension of that facility's privilege to fill  
7           controlled substance prescriptions at pharmacies  
8           outside of the hospital or other institution. Each  
9           written prescription shall have the name of the  
10          physician stamped, typed, or hand-printed on it, as  
11          well as the signature of the physician;

12          (3) An official exempted from registration shall include  
13          on all prescriptions issued by the official:

14                (A) The official's branch of service or agency (e.g.,  
15                "U.S. Army" or "Public Health Service"); and

16                (B) The official's service identification number, in  
17                lieu of the registration number of the  
18                practitioner required by this section. The  
19                service identification number for a Public Health  
20                Service employee shall be the employee's social



1 security or other government issued  
2 identification number.

3 Each prescription shall have the name of the officer  
4 stamped, typed, or handprinted on it, as well as the  
5 signature of the officer; [~~and~~]

6 (4) A physician assistant registered to prescribe  
7 controlled substances under the authorization of a  
8 supervising physician shall include on all controlled  
9 substance prescriptions issued:

10 (A) The Drug Enforcement Administration registration  
11 number of the supervising physician; and

12 (B) The Drug Enforcement Administration registration  
13 number of the physician assistant.

14 Each written controlled substance prescription issued  
15 shall include the printed, stamped, typed, or hand-  
16 printed name, address, and phone number of both the  
17 supervising physician and physician assistant, and  
18 shall be signed by the physician assistant. The  
19 medical record of each written controlled substance  
20 prescription issued by a physician assistant shall be  
21 reviewed and initialed by the physician assistant's



- 1 supervising physician within seven working days[-];
- 2 and
- 3 (5) A prescribing psychologist registered to prescribe and
- 4 administer psychotropic medication pursuant to part
- 5 of chapter 465 in consultation and collaboration
- 6 with a primary care provider shall include on all
- 7 psychotropic medication prescriptions issued:
- 8 (A) The Drug Enforcement Administration registration
- 9 number of the licensed primary care provider; and
- 10 (B) The printed, stamped, typed, or hand-printed
- 11 name, address, and phone number of both the
- 12 licensed primary care provider and prescribing
- 13 psychologist; and
- 14 (C) The signature of the prescribing psychologist."

15 SECTION 5. Section 329-39, Hawaii Revised Statutes, is  
 16 amended by amending subsection (b) to read as follows:

17 "(b) Whenever a pharmacist sells or dispenses any  
 18 controlled substance on a prescription issued by a physician,  
 19 dentist, podiatrist, or veterinarian, or any psychotropic  
 20 medication on a prescription issued by a prescribing



1 psychologist, the pharmacist shall affix to the bottle or other  
2 container in which the drug is sold or dispensed:

- 3 (1) The pharmacy's name and business address;
- 4 (2) The serial number of the prescription;
- 5 (3) The name of the patient or, if the patient is an  
6 animal, the name of the owner of the animal and the  
7 species of the animal;
- 8 (4) The name of the physician, dentist, podiatrist, [~~or~~]  
9 veterinarian, or prescribing psychologist by whom the  
10 prescription is written; and
- 11 (5) Such directions as may be stated on the prescription."

12 SECTION 6. Section 346-59.9, Hawaii Revised Statutes, is  
13 amended by amending subsection (i) to read as follows:

14 "(i) All psychotropic medications covered by this section  
15 shall be prescribed by a psychiatrist, a physician, [~~or~~] an  
16 advanced practice registered nurse with prescriptive authority  
17 under chapter 457 and duly licensed in the State[~~-~~], or a  
18 prescribing psychologist authorized under part \_\_\_\_\_ of chapter  
19 465."



1 SECTION 7. Chapter 465, Hawaii Revised Statutes, is  
2 amended by designating sections 465-1 to 465-15 as part I and  
3 inserting a title before section 465-1 to read as follows:

4 "PART I. GENERAL PROVISIONS"

5 SECTION 8. Section 465-3, Hawaii Revised Statutes, is  
6 amended by amending subsection (e) to read as follows:

7 "(e) ~~Nothing~~ Other than as provided in part \_\_\_\_\_, nothing  
8 in this chapter shall be construed as permitting the  
9 administration or prescription of drugs, or in any way engaging  
10 in the practice of medicine as defined in the laws of the  
11 State."

12 SECTION 9. (a) The board of psychology shall submit a  
13 report to the legislature, no later than twenty days prior to  
14 the convening of the regular session of 2021, on the  
15 authorization of prescriptive authority to prescribing  
16 psychologists who meet specific education, training, and  
17 registration requirements pursuant to this Act.

18 (b) The board of psychology shall collaborate with the  
19 department of health when preparing information in the report  
20 regarding the treatment of patients who are forensically



1 encumbered or patients with a diagnosis of serious mental  
2 illness who are subject to the department's jurisdiction.

3 SECTION 10. If any provision of this Act, or the  
4 application thereof to any person or circumstance, is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of the Act that can be given effect without the  
7 invalid provision or application, and to this end the provisions  
8 of this Act are severable.

9 SECTION 11. In codifying the new sections added by section  
10 2 of this Act, the revisor of statutes shall substitute  
11 appropriate section numbers for the letters used in designating  
12 the new sections in this Act.

13 SECTION 12. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 13. This Act shall take effect on July 1, 2050;  
16 provided that:

- 17 (1) The amendments made to section 329-38(i), Hawaii  
18 Revised Statutes, by section 4 of this Act shall not  
19 be repealed when that section is reenacted on June 30,  
20 2023, pursuant to section 6 of Act 66, Session Laws of  
21 Hawaii 2017;



- 1           (2) This Act shall be repealed on August 31, 2025; and
- 2           (3) Upon repeal of this Act, sections 329-1, 329-38,
- 3                   329-39, 346-59.9, and 465-3, Hawaii Revised Statutes,
- 4                   shall be reenacted in the form in which they read on
- 5                   June 30, 2019.



**Report Title:**

Clinical Psychologists; Prescriptive Authority Privilege

**Description:**

Authorizes and establishes procedures and criteria for prescriptive authority for clinical psychologists who meet specific education, training, and registration requirements. Requires the Board of Psychology to report to the Legislature prior to the Regular Session of 2021. Sunsets on 8/31/2025.  
(HB1566 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

