JAN 1 8 2019

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 residents
- 3 across the State of Hawaii. The delivery of comprehensive,
- 4 accessible, and affordable mental health care has been
- 5 demonstrably enhanced by collaborative practice among licensed
- 6 clinical psychologists with prescriptive authority and medical
- 7 doctors in federal facilities and programs as well as states
- 8 that have authorized prescriptive authority for psychologists.
- 9 The legislature finds that providing limited prescriptive
- 10 authority to qualified, licensed clinical psychologists, subject
- 11 to supervision by a licensed medical doctor, will make
- 12 comprehensive mental health care more accessible to medically
- 13 underserved residents of the State. The legislature
- 14 acknowledges that the Health Resources and Services
- 15 Administration of the United States Department of Health and
- 16 Human Services has officially designated much of the State,
- 17 including isolated rural locations and urban areas with high



- 1 population densities, as a mental health professional shortage
- 2 area. This designation highlights the critical need for
- 3 expansion of available mental health services and development of
- 4 a corps of mental health professionals to serve the currently
- 5 unmet needs of Hawaii's population.
- 6 The legislature has previously authorized prescription
- 7 privileges for advanced practice registered nurses,
- 8 optometrists, dentists, podiatrists, and physician assistants.
- 9 These practitioners have been granted prescriptive authority
- 10 based on demonstration of specific training, education, and
- 11 practical competency. Education and training criteria such as
- 12 degree and minimum experience requirements and passage of
- 13 national board examinations have worked well to assure quality
- 14 of services. Limitations on authority including the use of
- 15 approved formularies, limited practice areas, and prohibitions
- 16 on accepting or distributing drug samples have served to deter
- 17 abuses in the system and to prevent the inappropriate practice
- 18 of general medicine. Prescriptive authority for non-physician
- 19 practitioners with varying types of limitations and supervision
- 20 requirements has proven manageable and has expanded access to
- 21 important health care services for patients across the State.

- 1 Clinical psychologists with appropriate training have been 2 allowed to prescribe medications to active duty military 3 personnel and their families in federal facilities and the federal Indian health service program for years. In recent 4 years, Idaho, Illinois, Iowa, Louisiana, and New Mexico have 5 adopted legislation authorizing prescriptive authority for 6 7 appropriately trained psychologists without regard to the 8 service setting. Since 2000, psychologists in this State have received 10 psychopharmacological training through the Tripler Army Medical 11 Center psychology training program. These psychologists have 12 actively collaborated with primary care physicians to provide 13 combined therapy and psychopharmacological care to a medically 14 underserved patient population at eleven federally qualified 15 health centers: Bay Clinic, Hana, Molokai, Kauai, Waianae, 16 Kalihi-Palama, Waimanalo, Koolauloa, West Hawaii, Kokua Kalihi
- 18 system clinic located in a federally designated medically
- 19 underserved area on Molokai.

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- 20 The American Psychological Association has developed a
- 21 model curriculum for a master's degree in psychopharmacology for

Valley, and Waikiki, as well as a native Hawaiian health care

- 1 the education and training of prescribing psychologists. This
- 2 curriculum is currently available within the State at Argosy
- 3 University and the University of Hawaii at Hilo's college of
- 4 pharmacy. Independent evaluations of the United States
- 5 Department of Defense psychopharmacological demonstration
- 6 project by the United States General Accounting Office, now
- 7 known as the Government Accountability Office, and the American
- 8 College of Neuropsychopharmacology, as well as the experiences
- 9 of Idaho, Illinois, Iowa, Louisiana, and New Mexico, have
- 10 demonstrated that appropriately trained clinical psychologists
- 11 can prescribe psychotropic medications safely and effectively.
- 12 The purpose of this Act is to create a multi-phase, five-
- 13 year, pilot project to allow qualified psychologists to
- 14 prescribe psychotropic medications for the treatment of mental
- 15 illness to patients under the psychologist's care at a federally
- 16 qualified health center.
- 17 SECTION 2. (a) There is created a pilot program to be
- 18 administered by the board of psychology to allow clinical
- 19 psychologists licensed pursuant to chapter 465, Hawaii Revised
- 20 Statutes, to prescribe psychotropic medications only to patients

1	treated b	y the psychologist at a federally qualified health
2	center.	
3	(b)	A licensed clinical psychologist shall be eligible to
4	apply to	participate in the pilot program created pursuant to
5	this Act	if the psychologist:
6	(1)	Meets the requirements for licensure set forth in
7		section 465-7, Hawaii Revised Statutes;
8	(2)	Completed specialized education and training in
9		preparation for prescriptive practice approved by the
10		American Psychological Association and the board of
11		psychology;
12	(3)	Passed the Psychopharmacological Examination for
13		Psychologists or an equivalent national examination
14		relevant to establishing competence for prescriptive
15		practice approved by the board of psychology;
16	(4)	Is employed by, including as a contract provider, a
17		federally qualified health center in this State; and
18	(5)	Meets any other requirements established by the board
19		of psychology.
20	(c)	The pilot program created pursuant to this Act shall

be a five-year program that shall allow participating

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(3)

S.B. NO. 884

2	supervisi	on of a licensed physician as follows:
3	(1)	In the first two years, participating psychologists
4		shall practice only at Waianae Coast Comprehensive
5		Health Center and shall receive training and be
6		directly supervised by a physician at that location;
7	(2)	After the first year of the pilot program, the
8		supervising physician at Waianae Coast Comprehensive
9		Health Center shall continue to train and supervise
10		participating psychologists and may recruit additional
11		physicians at other federally qualified health centers
12		in the State to train and supervise participating
13		psychologists at those locations;

Participating psychologists shall be directly

supervised by supervising physicians at a federally

qualified health center for the first two years of the

psychologists' participation in the pilot program; and

psychologists to prescribe psychotropic medications under the

- 18 (4) After completing two years of direct supervision,19 participating psychologists shall maintain a
- 20 collaborative and collegial relationship with a
- 21 supervising physician and with the medical doctors who

1		oversee the general medical care of the participating
2		psychologist's patients at a federally qualified
3		health center and shall exercise prescriptive
4		authority only for patients treated by the
5		psychologist at the federally qualified health center.
6	(d)	At the end of the fourth year of the pilot program,
7	the board	of psychology shall prepare a report, under the
8	direction	of the supervising physicians of the pilot program and
9	with input	from participating psychologists and the physicians
10	and admin	istrators of participating federally qualified health
11	centers, t	to be submitted to the legislature no later than twenty
12	days prio	r to the convening of the regular session of 2025. The
13	report pre	epared by the board of psychology shall include:
14	(1)	The number and type of patients served by
15		participating psychologists;
16	(2)	Treatment services outcomes of patients treated by
17		participating psychologists;
18	(3)	Whether and how the pilot program improved access to
19		mental health care; and
20	, (4)	Patient satisfaction with mental health care provided
21		by participating psychologists.

1 SECTION 3. Chapter 465, Hawaii Revised Statutes, is 2 amended by adding a new part to be appropriately designated and 3 to read as follows: 4 "PART . PRESCRIPTION CERTIFICATION 5 §465-Definitions. As used in this part, unless the 6 context otherwise requires: 7 "Board" means the board of psychology established under 8 section 465-4. 9 "Clinical experience" means a period of supervised clinical 10 training and practice involving clinical diagnoses and 11 interventions that are conducted and supervised as part of a 12 training program. 13 "Laboratory test" means any laboratory blood or urine drug 14 screen test necessary to monitor the general health of a patient 15 receiving psychotropic medication. 16 "Narcotics" means natural and synthetic opioid analgesics, **17** and their derivatives, used to relieve pain. 18 "Prescription" is an order for a drug, laboratory test, or

medicine, device, or treatment, as defined by state law.

"Prescriptive authority" means the authority to prescribe,

administer, discontinue, or distribute without charge, drugs or

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- 1 controlled substances recognized in or customarily used in the
- 2 diagnosis, treatment, and management of individuals with
- 3 psychiatric, mental, cognitive, nervous, emotional, or
- 4 behavioral disorders, or other procedures directly related
- 5 thereto within the scope of practice of psychology in accordance
- 6 with rules adopted by the board.
- 7 "Psychiatrist" means a medical doctor licensed to practice
- 8 medicine pursuant to chapter 453 who has completed and
- 9 successfully passed a specialized four-year residency program in
- 10 the practice of psychiatry.
- "Psychologist certified to prescribe" means a licensed,
- 12 doctoral-level clinical psychologist who has:
- 13 (1) Completed specialized education and training in
- 14 preparation for prescriptive practice;
- 15 (2) Passed the Psychopharmacological Examination for
- 16 Psychologists or an equivalent national examination
- accepted by the board relevant to establishing
- 18 competence for prescribing; and
- 19 (3) Received from the board a current certificate granting
- 20 prescriptive authority that has not been revoked or
- 21 suspended.

1	"Psychopharmacology" means the use of psychoactive drugs in
2	the treatment or control of mental disorders or psychiatric
3	disease.
4	"Psychotropic medication" means only those agents related
5	to the diagnosis and treatment of mental and emotional disorders
6	including controlled substances but not including narcotics.
7	"Supervising physician" means a medically trained and
8	licensed physician or psychiatrist who accepts professional
9	responsibility for the provision of psychopharmacology by a
10	psychologist certified to prescribe.
11	§465- Conditional prescription certificate; application.
12	(a) A psychologist who applies for a conditional prescription
13	certificate shall demonstrate all of the following by official
14	transcript or other official evidence satisfactory to the board:
15	(1) A current clinical license in good standing to
16	practice psychology in Hawaii;
17	(2) Consistent with established policies of the American
18	Psychological Association for educating and training
19	psychologists in preparation for prescriptive
20	authority:

1	(A)	A master's degree in psychopharmacology that
2		reflects an organized sequence of study in an
3		organized program offering intensive didactic and
4		practical education, and includes the following
5		core areas of instruction: basic life sciences,
6		neurosciences, clinical and research pharmacology
7		and psychopharmacology, clinical medicine and
8		pathophysiology, physical assessment and
9		laboratory examinations, clinical
10		pharmacotherapeutics, research, and professional,
11		ethical and legal issues; and
12	(B)	Relevant clinical experience sufficient to attain
13		competency in the psychopharmacological treatment
14		of a diverse patient population under the
15		direction of a supervising physician that
16		consists of not less than two years and involves
17		at least four hundred hours treating a diverse
18		population of no fewer than one hundred patients
19		with mental disorders including at least two
20		hours of weekly on-site supervision per year by a

1		supervising physician who is not employed by the
2		psychologist being directed or supervised;
3	(3)	Successful completion of the Psychopharmacological
4		Examination for Psychologists or an equivalent
5		national examination relevant to establishing
6		competence for prescribing and approved by the board;
7	(4)	A federal Drug Enforcement Administration registration
8		number for limited use as restricted by state law;
9	(5)	Malpractice insurance sufficient to satisfy the rules
10		adopted by the board, that covers the applicant during
11		the period the conditional prescription certificate is
12		in effect;
13	(6)	Completion of all other requirements, as determined by
14		rules adopted by the board pursuant to chapter 91, for
15		obtaining a conditional prescription certificate; and
16	(7)	Employment, including by contract, and an intent to
17		practice the prescriptive authority at a federally
18		qualified health center as defined in title 42 United
19		States Code section 1396d.

1	(a)	The board shall issue a conditional prescription
2	certifica	te if it finds that the applicant has met all of the
3	requireme	ents of subsection (a).
4	(c)	The conditional prescription certificate shall be
5	immediate	ly relinquished by the psychologist if the psychologist
6	no longer	meets the requirements of subsection (a).
7	§465	- Conditional prescription certificate; powers,
8	duties, a	and responsibilities. (a) A psychologist holding a
9	còndition	al prescription certificate shall:
10	(1)	Hold a current license to practice psychology in
11		Hawaii and maintain malpractice insurance;
12	(2)	Complete the first year of practice under a
13	,	conditional prescription certificate under the
14		direction of a supervising physician who is not
15		employed by the psychologist being directed or
16		supervised; provided that supervision pursuant to this
17		paragraph shall include training in diagnostic
18		laboratory tests, diagnostic imaging, and
19		electroencephalogram tests;
20	(3)	Inform the board of the name of the supervising
21		physician under whose supervision the psychologist

1	will prescribe psychocropic medication; provided that
2	the psychologist shall promptly inform the board of
3	any change of the supervising physician; and
4	(4) Maintain an ongoing collaborative relationship
5	pursuant to subsection (c) with the doctors of
6	medicine who oversee the general medical care of the
7	psychologist's patients.
8	(b) A psychologist holding a conditional prescription
9	certificate shall be authorized to prescribe, administer,
10	discontinue, or distribute without charge, drugs or controlled
11	substances recognized in or customarily used in the diagnosis,
12	treatment, and management of individuals with psychiatric,
13	mental, cognitive, nervous, emotional, or behavioral disorders
14	and relevant to the practice of psychology, or other procedures
15	directly related thereto within the scope of practice of
16	psychology in accordance with rules adopted by the board. The
17	authorization to prescribe shall be limited to prescriptions for
18	patients under the care of the psychologist at federally
19	qualified health centers as defined in title 42 United States
20	Code section 1396d and identified to the board as the
21	psychologist's practice location

1	(c)	When prescribing psychotropic medication for a
2	patient,	a psychologist holding a conditional prescription
3	certifica	te shall maintain an ongoing collaborative relationship
4	with the	doctors of medicine who oversee the general medical
5	care of t	he psychologist's patients to ensure that:
6	(1)	Necessary medical examinations are conducted;
7	(2)	The psychotropic medication is appropriate for the
8		patient's medical condition; and
9	(3)	Significant changes in the patient's medical or
10		psychological condition are discussed.
11	(d)	A prescription for psychotropic medication written by
12	a psychol	ogist holding a conditional prescription certificate
13	shall:	
14	(1)	Comply with applicable state and federal laws;
15	(2)	Be identified as issued by a "psychologist certified
16		to prescribe"; and
17	(3)	Include the psychologist's board number or the
18		identification number assigned by the department of
19		commerce and consumer affairs.
20	(e)	A psychologist holding a conditional prescription

certificate shall not delegate prescriptive authority to any

- 1 person. Records of all prescriptions shall be maintained in the
- prescribing psychologist's patient records.
- 3 §465- Prescription certificate. (a) A psychologist who
- 4 applies for a prescription certificate shall demonstrate all of
- 5 the following by official transcript or other official evidence
- **6** satisfactory to the board:
- 7 (1) A conditional prescription certificate, which includes
- 8 successful completion of two years of prescribing
- 9 psychotropic medication as certified by a supervising
- 10 physician;
- 11 (2) A current license in good standing to practice
- 12 psychology in Hawaii;
- 13 (3) Malpractice insurance sufficient to satisfy the rules
- 14 adopted by the board, that will cover the applicant as
- a prescribing psychologist; and
- 16 (4) Completion of all other requirements, as determined by
- 17 rules 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 all of the requirements of
- 21 subsection (a).

1	(6)	A ps	ychologist with a prescription certificate may				
2	prescribe	psyc	hotropic medication to any patient under the				
3	psycholog	ist's	st's care for whom psychotropic medication is				
4	clinicall	y ind	icated if the psychologist:				
5	(1)	Hold	s a current license to practice psychology in				
6		Hawa	ii and maintains malpractice insurance;				
7	(2)	Annu	ally satisfies the continuing education				
8		requ	irements for prescribing psychologists recommended				
9		by t	he American Psychological Association, which shall				
10		be n	o fewer than twenty hours each year, at least half				
11		of w	hich shall be in pharmacology or				
12		psyc	hopharmacology; and				
13	(3)	Main	tains an ongoing collaborative relationship				
14		dire	ctly or by telecommunication with the doctors of				
15		medi	cine who oversee the general medical care of the				
16		psyc	hologist's patients to ensure that:				
17		(A)	Necessary medical examinations are conducted;				
18		(B)	Psychotropic medication prescribed is appropriate				
19			for the patient's medical condition;				
20		(C)	Significant changes in the patient's medical or				
21			psychological condition are discussed; and				

1	(D) The psychologist only prescribes psychotropic
2	medications to patients under the care of the
3	psychologist at a federally qualified health
4	center that is identified to the board as the
5	psychologist's practice location.
6	(d) The prescription certificate shall be immediately
7	relinquished by the psychologist if the psychologist no longer
8	meets the requirements of subsection (c).
9	§465- Administration. (a) The board may adopt rules
10	pursuant to chapter 91 to further implement the procedures set
11	forth in this part to obtain a conditional prescription
12	certificate or a prescription certificate and to renew a
13	conditional prescription certificate or prescription
14	certificate. The board may set reasonable application and
15	renewal fees.
16	(b) The board shall adopt rules pursuant to chapter 91
17	establishing the grounds for denial, suspension, or revocation
18	of conditional prescription certificates and prescription
19	certificates, including provisions for suspension or revocation
20	of a license to practice psychology upon suspension or

revocation of a conditional prescription certificate or

- 1 prescription certificate. Actions of denial, suspension, or
- 2 revocation of a conditional prescription certificate or a
- 3 prescription certificate shall be in accordance with this
- 4 chapter.
- 5 (c) The board shall maintain current records on every
- 6 prescribing psychologist, including federal Drug Enforcement
- 7 Administration registration numbers.
- **8** (d) The board shall provide to the board of pharmacy an
- 9 annual list of psychologists holding a conditional prescription
- 10 certificate or prescription certificate that contains the
- 11 information agreed upon between the board and the board of
- 12 pharmacy. The board shall promptly provide the board of
- 13 pharmacy with the names of any psychologists who are added to or
- 14 deleted from the list.
- 15 §465- Narcotics and controlled substance samples
- 16 prohibited. Notwithstanding any other provision of this chapter
- 17 to the contrary, a psychologist holding a conditional
- 18 prescription certificate or prescription certificate shall not
- 19 administer or prescribe any narcotic and shall not request,
- 20 receive, or sign for professional controlled substance samples."

T	SECTION 4. Section 329-1, Hawall Revised Statutes, is
2	amended as follows:
3	1. By adding a new definition to be appropriately inserted
4	and to read:
5	"Psychologist certified to prescribe" means a person
6	licensed under part of chapter 465, who is registered under
7	this chapter to administer or prescribe psychotropic medication
8	to patients under the person's care at a federally qualified
9	health center, but who is not authorized to request, receive, or
10	sign for professional controlled substance samples."
11	2. By amending the definition of "practitioner" to read:
12	""Practitioner" means:
13	(1) A physician, dentist, veterinarian, scientific
14	investigator, or other person licensed and registered
15	under section 329-32 to distribute, dispense, or
16	conduct research with respect to a controlled
17	substance in the course of professional practice or
18	research in this State;
19	(2) An advanced practice registered nurse with
20	prescriptive authority licensed and registered under
21	section 329-32 to prescribe and administer controlled

1		substances in the course of professional practice in
2		this State; [and]
3	(3)	A psychologist certified to prescribe who is licensed
4		and registered under section 329-32 to prescribe and
5		dispense controlled substances in accordance with the
6		requirements and limitations of part of chapter
7		465; and
8	[(3.)]	(4) A pharmacy, hospital, or other institution
9		licensed, registered, or otherwise permitted to
10		distribute, dispense, conduct research with respect to
11		or to administer a controlled substance in the course
12		of professional practice or research in this State."
13	SECT	ION 5. Chapter 465, Hawaii Revised Statutes, is
14	amended by designating sections 465-1 to 465-15 as part I,	
15	entitled "General Provisions".	
16	SECTION 6. Section 465-3, Hawaii Revised Statutes, is	
17	amended to read as follows:	
18	"§46	5-3 Exemptions. (a) This chapter shall not apply to:
19	(1)	Any person teaching, lecturing, consulting, or
20		engaging in research in psychology insofar as the
21		activities are performed as part of or are dependent



	upon employment in a college or university; provided
2	that the person shall not engage in the practice of
3	psychology outside the responsibilities of the
1	person's employment;

- (2) Any person who performs any, or any combination of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;
- (3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government employment;
- (4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under

1		supervision in a training institution or facility and
2		who is designated by a title as "psychology trainee",
3		"psychology student", "psychology intern", or
4		"psychology resident", that indicates the person's
5		training status; provided that the person shall not
6		identify the person's self as a psychologist or imply
7		that the person is licensed to practice psychology;
8	(5)	Any person who is a member of another profession
9		licensed under the laws of this jurisdiction to render
10		or advertise services, including psychotherapy, within
11		the scope of practice as defined in the statutes or
12		rules regulating the person's professional practice;
13		provided that, notwithstanding section 465-1, the
14		person does not represent the person's self to be a
15		psychologist or does not represent that the person is
16		licensed to practice psychology;
17	(6)	Any person who is a member of a mental health
18		profession not requiring licensure; provided that the
19		person functions only within the person's professional
20		capacities; and provided further that the person does

1		not represent the person to be a psychologist, or the
2		person's services as psychological;
3	(7)	Any person who is a duly recognized member of the
4		clergy; provided that the person functions only within
5		the person's capacities as a member of the clergy; and
6		provided further that the person does not represent
7		the person to be a psychologist, or the person's
8		services as psychological;
9	(8)	Any psychologist employed by the United States
10		Department of Defense, while engaged in the discharge
11		of the psychologist's official duty and providing
12		direct telehealth support or services, as defined in
13		section 431:10A-116.3, to neighbor island
14		beneficiaries within a Hawaii National Guard armory on
15		the island of Kauai, Hawaii, Molokai, or Maui;
16		provided that the psychologist employed by the United
17		States Department of Defense is credentialed by
18		Tripler Army Medical Center; or
19	(9)	Any supervisee of a licensed psychologist as defined
20		in section 465D-7.

1	(b)	Nothing in this chapter shall in any way restrict any
2	person fr	om carrying on any of the psychological activities as
3	defined in	n section 465-1; provided that such person does not
4	offer psy	chological services as defined in this chapter except
5	as such a	ctivities are incidental to the person's lawful
6	occupation	nal purpose.
7	(c)	A person may use the title of
8	industria	l/organizational psychologist, provided that the person
9	registers	with the board, and:
10	(1)	Is professionally competent in the practice of
11		industrial/organizational psychology; [and]
12	(2)	Holds a doctoral degree from an accredited institution
13		of higher education with training and education in
14		industrial/organizational psychology, satisfactory to
15		the board; and
16	(3)	Provides psychological service or consultation to
17		organizations which does not involve the delivery or
18		supervision of direct psychological services to
19		individuals or groups of individuals, without regard
20		to the source or extent of payment for services

rendered.

1 (d) Nothing in this chapter shall prevent the provision of 2 expert testimony by a psychologist who is otherwise exempted by 3 this chapter. 4 [(e) Nothing in this chapter shall be construed as 5 permitting the administration or prescription of drugs, or in 6 any way engaging in the practice of medicine as defined in the 7 laws of the State.] " 8 SECTION 7. Notwithstanding the requirements of chapter 91, 9 Hawaii Revised Statutes, or any other law or rule of this State, 10 the board of psychology shall act expeditiously to adopt rules 11 and to take all other actions necessary to ensure that the pilot 12 program established by this Act shall commence no later than 13 July 1, 2020. 14 SECTION 8. Statutory material to be repealed is bracketed 15 and stricken. New statutory material is underscored. 16 SECTION 9. This Act shall take effect upon its approval **17** and shall be repealed on June 30, 2025; provided that the 18 definition of "practitioner" in section 329-1 Hawaii Revised 19 Statutes, and section 465-3, Hawaii Revised Statutes, shall be

- 1 reenacted in the form in which they read on the day prior to the
- 2 effective date of this Act.

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INTRODUCED BY:

Rol Mark

Report Title:

Prescriptive Authority; Psychologists; Pilot Program

Description:

Establishes a five-year pilot program to allow qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist at a federally qualified health center. Repeals June 30, 2025.

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