

JAN 27 2021

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 is a significant
2 shortage of prescribing mental health care providers available
3 to serve the needs of Hawaii's people. As a means of addressing
4 this shortfall, access to quality, comprehensive, and affordable
5 health care can be facilitated and enhanced by collaborative
6 practice between licensed clinical psychologists and medical
7 doctors. Authorizing qualified clinical psychologists with
8 appropriate advanced training to prescribe from a limited
9 formulary of psychotropic medication will benefit Hawaii
10 residents who live in rural or medically underserved
11 communities, where mental health professionals with prescriptive
12 authority are in short supply.

13 The legislature further finds that the mental health needs
14 of the State continue to outpace present capacity. According to
15 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 accepting 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 The 2020 shooting at Hibiscus Drive, which led to the
17 killing of two of the Honolulu Police Department's finest, shows
18 the dangers of untreated mental illness. A 2016 Hawaii News Now
19 article reported that sixty-one per cent of all people arrested
20 in 2015 on Oahu suffered from serious mental illness or severe
21 substance intoxication. This almost two-fold increase occurred



1 in the period following substantial cuts to state-supported
2 mental health services in 2009.

3 According to the National Alliance on Mental Illness and
4 the federal Substance Abuse and Mental Health Services
5 Administration, approximately thirty-two thousand adults in
6 Hawaii, representing more than three per cent of the population,
7 live with serious mental illness. The actual scope of need in
8 the State is even greater since this figure excludes individuals
9 with clinical diagnoses such as unipolar depression, anxiety
10 disorders, adjustment disorders, substance abuse, or post-
11 traumatic stress disorder.

12 The legislature additionally finds that increasing the
13 number of prescribing mental health providers would be
14 beneficial to the State's homeless population. According to the
15 2020 Hawaii Statewide Point-In-Time Count, there are an
16 estimated 6,458 homeless persons in the State, with an estimated
17 1,512 of those persons meeting the definition of chronically
18 homeless. Of those persons, a large number fall into four
19 subpopulations that would likely benefit from increased access
20 to prescribing mental health providers, including 1,557 adults
21 with a serious mental illness; 1,305 adults with a substance use



1 disorder; forty-eight adults with HIV/AIDS; and two hundred
2 seventy-seven adult survivors of domestic violence.

3 Clinical psychologists are licensed health professionals
4 with an average of seven years of post-baccalaureate study and
5 three thousand hours of post-graduate supervised practice in the
6 diagnosis and treatment of mental illness. The American
7 Psychological Association has developed a model curriculum for a
8 master's degree in psychopharmacology for the education and
9 training of prescribing psychologists. However, the current
10 allowable scope of clinical psychologists' practice in Hawaii
11 does not include prescribing medications. Currently, these
12 providers' patients must consult with and pay for another
13 provider to obtain psychotropic medication when it is indicated.

14 The legislature has previously authorized prescription
15 privileges for advanced practice registered nurses,
16 optometrists, dentists, and naturopathic physicians. Licensed
17 clinical psychologists with specialized education and training
18 for prescriptive practice have been allowed to prescribe
19 psychotropic medications to active duty military personnel and
20 their families in federal facilities and the United States
21 Public Health Service for decades. In recent years, Idaho,



1 Iowa, Illinois, Louisiana, and New Mexico have adopted
2 legislation authorizing prescriptive authority for advanced
3 trained psychologists. Many of these prescribing psychologists
4 have filled long-vacant public health positions or otherwise
5 serve predominantly indigent and rural patient populations.

6 Independent evaluations of the federal Department of
7 Defense psychopharmacological demonstration project by the
8 Government Accountability Office and the American College of
9 Neuropsychopharmacology, as well as the experiences in other
10 jurisdictions, have shown that appropriately trained
11 psychologists can prescribe and administer medications safely
12 and effectively.

13 The purpose of this Act is to authorize the board of
14 psychology to grant prescriptive authority to prescribing
15 psychologists who meet specific education, training, and
16 registration requirements.

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 . PRESCRIBING PSYCHOLOGISTS



1 §465- Definitions. As used in this part unless the
2 context otherwise requires:

3 "Advanced practice registered nurse with prescriptive
4 authority" means an advanced practice registered nurse, as
5 defined in section 457-2, with prescriptive authority granted
6 pursuant to section 457-8.6.

7 "Clinical experience" means a period of supervised clinical
8 training and practice in which clinical diagnoses and
9 interventions, that can be completed and supervised as part of
10 or subsequent to earning a post-doctoral master of science
11 degree in clinical psychopharmacology training, are learned.

12 "Controlled substance" has the same meaning as in section
13 329-1.

14 "Forensically encumbered" means a person who has been
15 detained by Hawaii courts for forensic examination or committed
16 to a psychiatric facility under the care and custody of the
17 director of health for appropriate placement by any court; has
18 been placed on conditional release or released on conditions by
19 a judge in Hawaii courts; or is involved in mental health court
20 or a jail diversion program.

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



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

2 "Prescribing psychologist" means a clinical psychologist
3 who has undergone specialized training in clinical
4 psychopharmacology, passed a national proficiency examination in
5 psychopharmacology approved by the board, and been granted a
6 prescriptive authority privilege by the board.

7 "Prescription" means an order for a psychotropic medication
8 or any device or test directly related to the diagnosis and
9 treatment of mental and emotional disorders pursuant to the
10 practice of psychology.

11 "Prescriptive authority privilege" means the authority
12 granted by the board to prescribe and administer psychotropic
13 medication and other directly related procedures within the
14 scope of practice of psychology in accordance with rules adopted
15 by the board.

16 "Primary care provider" means a physician or osteopathic
17 physician licensed or exempt from licensure pursuant to section
18 453-2 or an advanced practice registered nurse with prescriptive
19 authority.

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, except drugs classified
2 into schedule I, II, or III pursuant to chapter 329, opiates, or
3 narcotic drugs; provided that psychotropic medication shall
4 include stimulants for the treatment of attention deficit
5 hyperactivity disorder regardless of the stimulants' schedule
6 classification.

7 "Serious mental illness" means bipolar I disorder, bipolar
8 II disorder, delusional disorder, major depressive disorder with
9 psychotic features, psychosis secondary to substance use,
10 schizophrenia, schizophreniform disorder, and schizoaffective
11 disorder, as defined by the most current version of the
12 Diagnostic and Statistical Manual of Mental Disorders.

13 **§465- Administration.** (a) The board shall prescribe
14 application forms and fees for application for and renewal of
15 prescriptive authority privilege pursuant to this part.

16 (b) The board shall develop and implement procedures to
17 review the educational and training credentials of a
18 psychologist applying for or renewing prescriptive authority
19 privilege under this part, in accordance with current standards
20 of professional practice.



1 (c) The board shall determine the exclusionary formulary
2 for prescribing psychologists.

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

5 **§465- Prescriptive authority privilege; requirements.**

6 Beginning on July 1, 2023, the board shall accept applications
7 for prescriptive authority privilege. Every applicant for
8 prescriptive authority privilege shall submit evidence
9 satisfactory to the board, in a form and manner prescribed by
10 the board, that the applicant meets the following requirements:

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

13 (2) The applicant successfully graduated with a post
14 doctoral master's degree in clinical
15 psychopharmacology from a regionally-accredited
16 institution with a clinical psychopharmacology program
17 designated by the American Psychological Association,
18 or the equivalent of a post doctoral master's degree,
19 as approved by the board; provided that any equivalent
20 shall include study in a program offering intensive
21 didactic education including instruction in anatomy



1 and physiology, biochemistry, neuroanatomy,
2 neurophysiology, neurochemistry, physical assessment
3 and laboratory examinations, clinical medicine and
4 pathophysiology, clinical and research pharmacology
5 and psychopharmacology, clinical pharmacotherapeutics,
6 research, and professional, ethical, and legal issues;

7 (3) The applicant has clinical experience that includes:

8 (A) A minimum of eight hundred hours completed in a
9 clinical prescribing practicum including
10 geriatric, pediatric, and pregnant patients
11 completed in no less than twelve months and no
12 more than fifty-six months;

13 (B) Supervision of a minimum of one hundred patients
14 including geriatric, pediatric, and pregnant
15 patients;

16 (C) A minimum of eighty hours completed in a physical
17 assessment practicum in a primary care, family
18 practice, community, or internal medicine
19 setting;



- 1 (D) A minimum of one hundred hours of community
- 2 service with homeless, veteran, or low-income
- 3 populations;
- 4 (E) A minimum of two hours per week of supervision by
- 5 a primary care provider or a prescribing
- 6 psychologist; and
- 7 (F) Eight weeks of rotation in each of the following:
- 8 (i) Internal and family medicine;
- 9 (ii) Women's health;
- 10 (iii) Pediatrics; and
- 11 (iv) Geriatrics; and
- 12 (4) The applicant has successfully passed the nationally
- 13 recognized Psychopharmacology Examination for
- 14 Psychologists developed by the American Psychological
- 15 Association's Practice Organization's College of
- 16 Professional Psychology, or other authority, relevant
- 17 to establishing competence across the following
- 18 content areas: neuroscience, nervous system
- 19 pathology, physiology and pathophysiology,
- 20 biopsychosocial and pharmacologic assessment and
- 21 monitoring, differential diagnosis, pharmacology,



1 clinical psychopharmacology, research, and integrating
2 clinical psychopharmacology with the practice of
3 psychology, diversity factors, and professional,
4 legal, ethical, and interprofessional issues; provided
5 that the passing score shall be determined by the
6 American Psychological Association's Practice
7 Organization's College of Professional Psychology or
8 other authority, as applicable.

9 **§465- Prescriptive authority privilege; renewal. (a)**

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

13 (b) To qualify for the renewal of prescriptive authority
14 privilege, a prescribing psychologist shall present evidence
15 satisfactory to the board that the prescribing psychologist has
16 completed at least eighteen hours biennially of acceptable
17 continuing education, as determined by the board, relevant to
18 the pharmacological treatment of mental and emotional disorders;
19 provided that a first-time prescribing psychologist shall not be
20 subject to the continuing education requirements under this
21 section for the first prescriptive authority privilege renewal.



1 (c) The continuing education requirement under this
2 section shall be in addition to the continuing education
3 requirement under section 465-11.

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

11 **§465- Prescriptive authority privilege; prescribing**
12 **practices.** (a) It shall be unlawful for any psychologist not
13 granted prescriptive authority privilege under this part to
14 prescribe, offer to prescribe, administer, or use any sign,
15 card, or device to indicate that the psychologist is so
16 authorized.

17 (b) A valid prescription issued by a prescribing
18 psychologist shall be legibly written and contain, at a minimum,
19 the following:

- 20 (1) Date of issuance;
- 21 (2) Original signature of the prescribing psychologist;



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



1 or discontinuation of medications only in consultation
2 and collaboration with a patient's primary care
3 provider;

4 (3) For patients who are forensically encumbered and for
5 patients with a diagnosis of serious mental illness
6 who are subject to the jurisdiction of the department
7 of health:

8 (A) Prescribe and administer psychotropic medication
9 only:

10 (i) In accordance with a treatment protocol
11 agreed to by the prescribing psychologist
12 and the treating department of health
13 psychiatrist; and

14 (ii) With notification to all other health care
15 providers treating the patient; and

16 (B) Enter into a collaborative agreement with the
17 department of health prior to prescribing any
18 psychotropic medication; and

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



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

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

6 **§465- Prescriptive authority privilege; exclusionary**
7 **formulary.** (a) A prescribing psychologist shall only prescribe
8 and administer medications for the treatment of mental health
9 disorders as defined by the most current version of the
10 Diagnostic and Statistical Manual of Mental Disorders.

11 (b) The exclusionary formulary for prescribing
12 psychologists shall consist of drugs or categories of drugs
13 adopted by the board.

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

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

19 (1) Schedule I controlled substances pursuant to section
20 329-14;



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

3 (3) Schedule III controlled substances pursuant to section
4 329-18, including all narcotic drugs and opiates; and

5 (4) For indications other than those stated in the
6 labeling approved by the federal Food and Drug
7 Administration for patients seventeen years of age or
8 younger;

9 provided that prescribing psychologists may prescribe and
10 administer stimulants for the treatment of attention deficit
11 hyperactivity disorder, regardless of the stimulants' schedule
12 classification.

13 **§465- Drug Enforcement Administration; registration.**

14 (a) Every prescribing psychologist shall comply with all
15 federal and state registration requirements to prescribe and
16 administer psychotropic medication.

17 (b) Every prescribing psychologist shall file with the
18 board the prescribing psychologist's federal Drug Enforcement
19 Administration registration number. The registration number
20 shall be filed before the prescribing psychologist issues any
21 prescription for a psychotropic medication.



1 **§465- Violation; penalties.** Any person who violates
2 this part shall be guilty of a misdemeanor and, on conviction,
3 subject to penalties as provided in section 465-15(b). Any
4 person who violates this part may also be subject to
5 disciplinary action by the board."

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

8 1. By adding two new definitions to be appropriately
9 inserted and to read:

10 "Prescribing psychologist" means a clinical psychologist
11 licensed under chapter 465 who has undergone specialized
12 training in clinical psychopharmacology, passed a national
13 proficiency examination in psychopharmacology approved by the
14 board of psychology, and has been granted a prescriptive
15 authority privilege by the board of psychology.

16 "Psychotropic medication" means only those agents related
17 to the diagnosis and treatment of mental and emotional disorders
18 pursuant to the practice of psychology, as defined in section
19 465-1, except drugs classified into schedule I, II, or III
20 pursuant to this chapter, opiates, or narcotic drugs; provided
21 that psychotropic medication shall include stimulants for the



1 treatment of attention deficit hyperactivity disorder regardless
2 of the stimulants' schedule classification."

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

4 "Practitioner" means:

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

11 (2) An advanced practice registered nurse with
12 prescriptive authority licensed and registered under
13 section 329-32 to prescribe and administer controlled
14 substances in the course of professional practice in
15 this State; ~~and~~

16 (3) A prescribing psychologist licensed and registered
17 under section 329-32 to prescribe and administer
18 psychotropic medication in the course of professional
19 practice in this State; and

20 ~~(3)~~ (4) A pharmacy, hospital, or other institution
21 licensed, registered, or otherwise permitted to



1 distribute, dispense, conduct research with respect to
2 or to administer a controlled substance in the course
3 of professional practice or research in this State."

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

6 "(i) Prescriptions for controlled substances shall be
7 issued only as follows:

8 (1) All prescriptions for controlled substances shall
9 originate from within the State and be dated as of,
10 and signed on, the day when the prescriptions were
11 issued and shall contain:

12 (A) The first and last name and address of the
13 patient; and

14 (B) The drug name, strength, dosage form, quantity
15 prescribed, and directions for use. Where a
16 prescription is for gamma hydroxybutyric acid,
17 methadone, or buprenorphine, the practitioner
18 shall record as part of the directions for use,
19 the medical need of the patient for the
20 prescription.



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



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

19 A corresponding liability shall rest upon a
20 pharmacist who fills a prescription not prepared in the
21 form prescribed by this section. A pharmacist may add



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

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

17 (A) The registration number of the hospital or other
18 institution; and

19 (B) The special internal code number assigned to the
20 physician by the hospital or other institution in



1 lieu of the registration number of the
2 practitioner required by this section.

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

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

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

18 (B) The official's service identification number, in
19 lieu of the registration number of the

20 practitioner required by this section. The

21 service identification number for a Public Health



1 Service employee shall be the employee's social
2 security or other government issued
3 identification number.

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

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

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

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

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



1 reviewed and initialed by the physician assistant's
2 supervising physician within seven working days[-];
3 and

4 (5) A prescribing psychologist authorized to prescribe and
5 administer psychotropic medication pursuant to
6 part of chapter 465 in consultation and
7 collaboration with a primary care provider shall
8 include on all psychotropic medication prescriptions
9 issued:

10 (A) The Drug Enforcement Administration registration
11 number of the licensed primary care provider;

12 (B) The printed, stamped, typed, or hand-printed
13 name, address, and phone number of both the
14 licensed primary care provider and prescribing
15 psychologist; and

16 (C) The signature of the prescribing psychologist."

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

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



1 medication on a prescription issued by a prescribing
2 psychologist, the pharmacist shall affix to the bottle or other
3 container in which the drug is sold or dispensed:

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

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

15 "(i) All psychotropic medications covered by this section
16 shall be prescribed by a psychiatrist, a physician, [~~or~~] an
17 advanced practice registered nurse with prescriptive authority
18 under chapter 457 and duly licensed in the State[~~-~~], or a
19 prescribing psychologist authorized under part of chapter
20 465."



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 2022, 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. This Act does not affect rights and duties
10 that matured, penalties that were incurred, and proceedings that
11 were begun before its effective date.

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

14 SECTION 13. This Act shall take effect on July 1, 2021;
15 provided that:

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

21 (2) This Act shall be repealed on August 31, 2026; and



1 (3) Upon repeal of this Act, sections 329-1, 329-38,
2 329-39, 346-59.9, and 465-3, Hawaii Revised Statutes,
3 shall be reenacted in the form in which they read on
4 June 30, 2021.

5

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to be a name starting with 'J' and ending with 'R'.

S.B. NO. 1295

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 accept applications for prescriptive authority privilege beginning 7/1/2023. Requires the Board of Psychology to report to the Legislature prior to the Regular Session of 2022. Sunsets on 8/31/2026.

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

