

JAN 17 2024

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



1 shortage area. This designation highlights the critical need
2 for expansion of available mental health services and
3 development of a corps of mental health professionals to serve
4 the currently unmet needs of Hawai'i's population.

5 The legislature has previously authorized prescription
6 privileges for advanced practice registered nurses,
7 optometrists, dentists, podiatrists, and physician assistants.
8 These practitioners have been granted prescriptive authority
9 based on demonstration of specific training, education, and
10 practical competency. Education and training criteria, such as
11 degree and minimum experience requirements, and passage of
12 national board examinations have worked well to assure quality
13 of services. Limitations on authority including the use of
14 approved formularies, limited practice areas, and prohibitions
15 on accepting or distributing drug samples have served to deter
16 abuses in the system and to prevent the inappropriate practice
17 of general medicine. Prescriptive authority for non-physician
18 practitioners with varying types of limitations and supervision
19 requirements has proven manageable and has expanded access to
20 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
4 federal Indian health service program for years. In recent
5 years, Colorado, Idaho, Illinois, Iowa, Louisiana, and New
6 Mexico have adopted legislation authorizing prescriptive
7 authority for appropriately trained psychologists without regard
8 to the service setting.

9 Since 2000, psychologists in Hawai'i 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 Hawai'i, Kokua Kalihi
17 Valley, and Waikiki, as well as a native Hawaiian health care
18 system clinic located in a federally designated medically
19 underserved area on Molokai.

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



1 the education and training of prescribing psychologists. This
2 curriculum is currently available within the State at the
3 University of Hawai'i at Hilo's college of pharmacy. Independent
4 evaluations of the United States Department of Defense
5 psychopharmacological demonstration project by the United States
6 General Accounting Office, now known as the Government
7 Accountability Office, and the American College of
8 Neuropsychopharmacology, as well as the experiences of Idaho,
9 Illinois, Iowa, Louisiana, and New Mexico, have demonstrated
10 that appropriately trained clinical psychologists can prescribe
11 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 by 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
21 be a five-year program that shall allow participating



1 psychologists to prescribe psychotropic medications under the
2 supervision 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;

14 (3) Participating psychologists shall be directly
15 supervised by supervising physicians at a federally
16 qualified health center for the first two years of the
17 psychologists' participation in the pilot program; and

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 administrators of participating federally qualified health
11 centers, to be submitted to the legislature no later than twenty
12 days prior to the convening of the regular session of 2031. The
13 report prepared 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" means an order for a drug, laboratory test,
19 or medicine, device, or treatment, as defined by state law.

20 "Prescriptive authority" means the authority to prescribe,
21 administer, discontinue, or distribute without charge, drugs or



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.

11 "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
17 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 the State;

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

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

7 **§465- Conditional prescription certificate; powers,**
8 **duties, and responsibilities.** (a) A psychologist holding a
9 conditional prescription certificate shall:

10 (1) Hold a current license to practice psychology in the
11 State 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 psychotropic 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 certificate shall maintain an ongoing collaborative relationship
4 with the doctors of medicine who oversee the general medical
5 care of the 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 psychologist 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
21 certificate shall not delegate prescriptive authority to any



1 person. Records of all prescriptions shall be maintained in the
2 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 the State;

13 (3) Malpractice insurance sufficient to satisfy the rules
14 adopted by the board, that will cover the applicant as
15 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 (c) A psychologist with a prescription certificate may
2 prescribe psychotropic medication to any patient under the
3 psychologist's care for whom psychotropic medication is
4 clinically indicated if the psychologist:

5 (1) Holds a current license to practice psychology in the
6 State and maintains malpractice insurance;

7 (2) Annually satisfies the continuing education
8 requirements for prescribing psychologists recommended
9 by the American Psychological Association, which shall
10 be no fewer than twenty hours each year, at least half
11 of which shall be in pharmacology or
12 psychopharmacology; and

13 (3) Maintains an ongoing collaborative relationship
14 directly or by telecommunication with the doctors of
15 medicine who oversee the general medical care of the
16 psychologist'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 prescribes only 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
21 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."



1 SECTION 4. Section 329-1, Hawaii 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 SECTION 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 "**§465-3 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



1 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
4 person's employment;

5 (2) Any person who performs any, or any combination of the
6 professional services defined as the practice of
7 psychology under the direction of a licensed
8 psychologist in accordance with rules adopted by the
9 board; provided that the person may use the term
10 "psychological assistant", but shall not identify the
11 person's self as a psychologist or imply that the
12 person is licensed to practice psychology;

13 (3) Any person employed by a local, state, or federal
14 government agency in a school psychologist or
15 psychological examiner position, or a position that
16 does not involve diagnostic or treatment services, but
17 only at those times when that person is carrying out
18 the functions of such government employment;

19 (4) Any person who is a student of psychology, a
20 psychological intern, or a resident in psychology
21 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 from carrying on any of the psychological activities as
3 defined in section 465-1; provided that [~~such~~] the person does
4 not offer psychological services as defined in this chapter
5 except as [~~such~~] the activities are incidental to the person's
6 lawful occupational purpose.

7 (c) A person may use the title of
8 industrial/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~~] that does not involve the
18 delivery or supervision of direct psychological
19 services to individuals or groups of individuals,
20 without regard to the source or extent of payment for
21 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, 2025.

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, 2030; provided that the
18 definition of "practitioner" in section 329-1 Hawaii Revised
19 Statutes, and section 465-3, Hawaii Revised Statutes, shall be

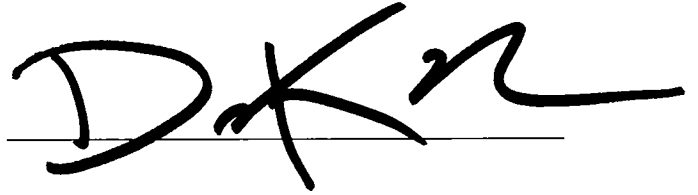
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1 reenacted in the form in which they read on the day prior to the
2 effective date of this Act.

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INTRODUCED BY:

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S.B. NO. 2049

Report Title:

Prescriptive Authority; Psychologists; Pilot Program; Report

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. Requires a report to the Legislature. Repeals June 30, 2030.

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

