

JAN 17 2025

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 and in 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, could help make comprehensive mental
12 health care more accessible to medically underserved residents
13 of the State. The legislature acknowledges that the Health
14 Resources and Services Administration of the United States
15 Department of Health and Human Services has officially
16 designated much of the State, including isolated rural locations
17 and urban areas with high population densities, as a mental



1 health professional shortage area. This designation highlights
2 the critical need for expansion of available mental health
3 services and development of a corps of mental health
4 professionals to serve the currently unmet needs of Hawai'i's
5 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 passage of national board examinations and degree and minimum
13 experience requirements, have worked well to assure quality of
14 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
4 federal Indian health service program for years. In recent
5 years, Colorado, Idaho, Illinois, Iowa, Louisiana, New Mexico,
6 and Utah 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 medically
14 underserved patient populations at eleven federally qualified
15 health centers: Bay Clinic, Hana, Moloka'i, Kaua'i, Wai'anae,
16 Kalihi-Palama, Waimānalo, Ko'olauloa, West Hawai'i, Kōkua 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 Moloka'i.

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.
2 Independent evaluations of the United States Department of
3 Defense psychopharmacological demonstration project by the
4 United States General Accounting Office, now known as the
5 Government Accountability Office, and the American College of
6 Neuropsychopharmacology, as well as the experiences of Idaho,
7 Illinois, Iowa, Louisiana, and New Mexico, have demonstrated
8 that appropriately trained clinical psychologists can prescribe
9 psychotropic medications safely and effectively.

10 Accordingly, the purpose of this Act is to allow qualified
11 psychologists to prescribe psychotropic medications for the
12 treatment of mental illness to patients under the psychologist's
13 care in certain circumstances.

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

17 "PART . PRESCRIPTION CERTIFICATION

18 §465- Definitions. As used in this part:

19 "Board" means the board of psychology established under
20 section 465-4.



1 "Clinical experience" means a period of supervised clinical
2 training and practice involving clinical diagnoses and
3 interventions that are conducted and supervised as part of a
4 training program.

5 "Laboratory test" means any laboratory blood or urine drug
6 screen test necessary to monitor the general health of a patient
7 receiving psychotropic medication.

8 "Narcotics" means natural and synthetic opioid analgesics,
9 and their derivatives, used to relieve pain.

10 "Prescription" means an order for a drug, laboratory test,
11 or medicine, device, or treatment, as defined by state law.

12 "Prescriptive authority" means the authority to prescribe,
13 administer, discontinue, or distribute without charge, drugs or
14 controlled substances recognized in or customarily used in the
15 diagnosis, treatment, and management of individuals with
16 psychiatric, mental, cognitive, nervous, emotional, or
17 behavioral disorders, or other procedures directly related
18 thereto within the scope of practice of psychology in accordance
19 with rules adopted by the board.

20 "Psychiatrist" means a medical doctor licensed to practice
21 medicine pursuant to chapter 453 who has completed and



1 successfully passed a specialized four-year residency program in
2 the practice of psychiatry.

3 "Psychologist certified to prescribe" means a licensed,
4 doctoral-level clinical psychologist who has:

- 5 (1) Completed specialized education and training in
6 preparation for prescriptive practice;
- 7 (2) Passed the Psychopharmacological Examination for
8 Psychologists or an equivalent national examination
9 accepted by the board relevant to establishing
10 competence for prescribing; and
- 11 (3) Received from the board a current certificate granting
12 prescriptive authority that has not been revoked or
13 suspended.

14 "Psychopharmacology" means the use of psychoactive drugs in
15 the treatment or control of mental disorders or psychiatric
16 disease.

17 "Psychotropic medication" means only those agents related
18 to the diagnosis and treatment of mental and emotional disorders
19 including controlled substances but not including narcotics.

20 "Supervising physician" means a medically trained and
21 licensed physician or psychiatrist who accepts professional



1 responsibility for the provision of psychopharmacology by a
2 psychologist certified to prescribe.

3 **§465- Conditional prescription certificate; application.**

4 (a) A psychologist who applies for a conditional prescription
5 certificate shall demonstrate all of the following by official
6 transcript or other official evidence satisfactory to the board:

7 (1) A current clinical license in good standing to
8 practice psychology in the State;

9 (2) Consistent with established policies of the American
10 Psychological Association for educating and training
11 psychologists in preparation for prescriptive
12 authority:

13 (A) A master's degree in psychopharmacology that
14 reflects an organized sequence of study in an
15 organized program offering intensive didactic and
16 practical education, and includes the following
17 core areas of instruction: basic life sciences,
18 neurosciences, clinical and research pharmacology
19 and psychopharmacology, clinical medicine and
20 pathophysiology, physical assessment and
21 laboratory examinations, clinical



- 1 pharmacotherapeutics, research, and professional,
2 ethical and legal issues; and
- 3 (B) Relevant clinical experience sufficient to attain
4 competency in the psychopharmacological treatment
5 of a diverse patient population under the
6 direction of a supervising physician that
7 consists of not less than two years and involves
8 at least four hundred hours treating a diverse
9 population of not fewer than one hundred patients
10 with mental disorders including at least two
11 hours of weekly on-site supervision per year by a
12 supervising physician who is not employed by the
13 psychologist being directed or supervised;
- 14 (3) Successful completion of the Psychopharmacological
15 Examination for Psychologists or an equivalent
16 national examination relevant to establishing
17 competence for prescribing as approved by the board;
- 18 (4) A federal Drug Enforcement Administration registration
19 number for limited use as restricted by state law;
- 20 (5) Malpractice insurance sufficient to satisfy the rules
21 adopted by the board, which covers the applicant



1 during the period the conditional prescription
2 certificate is in effect;

3 (6) Completion of all other requirements, as determined by
4 rules adopted by the board pursuant to chapter 91, for
5 obtaining a conditional prescription certificate; and

6 (7) Employment, including by contract, and an intent to
7 practice the prescriptive authority at a federally
8 qualified health center as defined in title 42 United
9 States Code section 1396d.

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

13 (c) The conditional prescription certificate shall be
14 immediately relinquished by the psychologist if the psychologist
15 no longer meets the requirements of subsection (a).

16 **§465- Conditional prescription certificate; powers,**
17 **duties, and responsibilities.** (a) A psychologist holding a
18 conditional prescription certificate shall:

19 (1) Hold a current license to practice psychology in the
20 State and maintain malpractice insurance;



- 1 (2) Complete the first year of practice under a
2 conditional prescription certificate under the
3 direction of a supervising physician who is not
4 employed by the psychologist being directed or
5 supervised; provided that supervision pursuant to this
6 paragraph shall include training in diagnostic
7 laboratory tests, diagnostic imaging, and
8 electroencephalogram tests;
- 9 (3) Inform the board of the name of the supervising
10 physician under whose supervision the psychologist
11 will prescribe psychotropic medication; provided that
12 the psychologist shall promptly inform the board of
13 any change of the supervising physician; and
- 14 (4) Maintain an ongoing collaborative relationship
15 pursuant to subsection (c) with the doctors of
16 medicine who oversee the general medical care of the
17 psychologist's patients.
- 18 (b) A psychologist holding a conditional prescription
19 certificate shall be authorized to prescribe, administer,
20 discontinue, or distribute without charge, drugs or controlled
21 substances recognized in or customarily used in the diagnosis,



1 treatment, and management of individuals with psychiatric,
2 mental, cognitive, nervous, emotional, or behavioral disorders
3 and relevant to the practice of psychology, or other procedures
4 directly related thereto within the scope of practice of
5 psychology in accordance with rules adopted by the board. The
6 authorization to prescribe shall be limited to prescriptions for
7 patients under the care of the psychologist at federally
8 qualified health centers as defined in title 42 United States
9 Code section 1396d and identified to the board as the
10 psychologist's practice location.

11 (c) When prescribing psychotropic medication for a
12 patient, a psychologist holding a conditional prescription
13 certificate shall maintain an ongoing collaborative relationship
14 with the doctors of medicine who oversee the general medical
15 care of the psychologist's patients to ensure that:

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



1 (d) A prescription for psychotropic medication written by
2 a psychologist holding a conditional prescription certificate
3 shall:

- 4 (1) Comply with applicable state and federal laws;
- 5 (2) Be identified as issued by a "psychologist certified
6 to prescribe"; and
- 7 (3) Include the psychologist's board number or the
8 identification number assigned by the department of
9 commerce and consumer affairs.

10 (e) A psychologist holding a conditional prescription
11 certificate shall not delegate prescriptive authority to any
12 person. Records of all prescriptions shall be maintained in the
13 prescribing psychologist's patient records.

14 **§465- Prescription certificate.** (a) A psychologist who
15 applies for a prescription certificate shall demonstrate all of
16 the following by official transcript or other official evidence
17 satisfactory to the board:

- 18 (1) A conditional prescription certificate, which includes
19 successful completion of two years of prescribing
20 psychotropic medication as certified by a supervising
21 physician;



- 1 (2) A current license in good standing to practice
2 psychology in the State;
- 3 (3) Malpractice insurance sufficient to satisfy the rules
4 adopted by the board, that will cover the applicant as
5 a prescribing psychologist; and
- 6 (4) Completion of all other requirements, as determined by
7 rules adopted by the board pursuant to chapter 91, for
8 obtaining a prescription certificate.
- 9 (b) The board shall issue a prescription certificate if it
10 finds that the applicant has met all of the requirements of
11 subsection (a).
- 12 (c) A psychologist with a prescription certificate may
13 prescribe psychotropic medication to any patient under the
14 psychologist's care for whom psychotropic medication is
15 clinically indicated if the psychologist:
- 16 (1) Holds a current license to practice psychology in the
17 State and maintains malpractice insurance;
- 18 (2) Annually satisfies the continuing education
19 requirements for prescribing psychologists recommended
20 by the American Psychological Association, which shall
21 be not less than twenty hours each year, at least half



1 of which shall be in pharmacology or
2 psychopharmacology; and

3 (3) Maintains an ongoing collaborative relationship
4 directly or by telecommunication with the doctors of
5 medicine who oversee the general medical care of the
6 psychologist's patients to ensure that:

7 (A) Necessary medical examinations are conducted;

8 (B) Psychotropic medication prescribed is appropriate
9 for the patient's medical condition;

10 (C) Significant changes in the patient's medical or
11 psychological condition are discussed; and

12 (D) The psychologist prescribes only psychotropic
13 medications to patients under the care of the
14 psychologist at a federally qualified health
15 center that is identified to the board as the
16 psychologist's practice location.

17 (d) The prescription certificate shall be immediately
18 relinquished by the psychologist if the psychologist no longer
19 meets the requirements of subsection (c).

20 §465- Administration. (a) The board may adopt rules
21 pursuant to chapter 91 to further implement the procedures set



1 forth in this part to obtain a conditional prescription
2 certificate or a prescription certificate and to renew a
3 conditional prescription certificate or prescription
4 certificate. The board may set reasonable application and
5 renewal fees.

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

16 (c) The board shall maintain current records on every
17 prescribing psychologist, including federal Drug Enforcement
18 Administration registration numbers.

19 (d) The board shall provide to the board of pharmacy an
20 annual list of psychologists holding a conditional prescription
21 certificate or prescription certificate that contains the



1 information agreed upon between the board and the board of
2 pharmacy. The board shall promptly provide the board of
3 pharmacy with the names of any psychologists who are added to or
4 deleted from the list.

5 **§465- Narcotics and controlled substance samples**
6 **prohibited.** Notwithstanding any other provision of this chapter
7 to the contrary, a psychologist holding a conditional
8 prescription certificate or prescription certificate shall not
9 administer or prescribe any narcotic and shall not request,
10 receive, or sign for professional controlled substance samples."

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

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Psychologist certified to prescribe" means a person
16 licensed under part of chapter 465, who is registered
17 under this chapter to administer or prescribe psychotropic
18 medication to patients under the person's care at a federally
19 qualified health center, but who is not authorized to request,
20 receive, or sign for professional controlled substance samples."

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



1 ""Practitioner" means:

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

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

13 (3) A psychologist certified to prescribe who is licensed
14 and registered under section 329-32 to prescribe and
15 dispense controlled substances in accordance with the
16 requirements and limitations of part of chapter
17 465; and

18 ~~(3)~~ (4) A pharmacy, hospital, or other institution
19 licensed, registered, or otherwise permitted to
20 distribute, dispense, conduct research with respect to



1 or to administer a controlled substance in the course
2 of professional practice or research in this State."

3 SECTION 4. Chapter 465, Hawaii Revised Statutes, is
4 amended by designating sections 465-1 to 465-15 as part I, and
5 inserting a title before section 465-1 to read as follows:

6 "PART I. GENERAL PROVISIONS."

7 SECTION 5. Section 465-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§465-3 Exemptions.** (a) This chapter shall not apply to:

10 (1) Any person teaching, lecturing, consulting, or
11 engaging in research in psychology insofar as the
12 activities are performed as part of or are dependent
13 upon employment in a college or university; provided
14 that the person shall not engage in the practice of
15 psychology outside the responsibilities of the
16 person's employment;

17 (2) Any person who performs any, or any combination of the
18 professional services defined as the practice of
19 psychology under the direction of a licensed
20 psychologist in accordance with rules adopted by the
21 board; provided that the person may use the term



- 1 "psychological assistant", but shall not identify the
2 person's self as a psychologist or imply that the
3 person is licensed to practice psychology;
- 4 (3) Any person employed by a local, state, or federal
5 government agency in a school psychologist or
6 psychological examiner position, or a position that
7 does not involve diagnostic or treatment services, but
8 only at those times when that person is carrying out
9 the functions of such government employment;
- 10 (4) Any person who is a student of psychology, a
11 psychological intern, or a resident in psychology
12 preparing for the profession of psychology under
13 supervision in a training institution or facility and
14 who is designated by a title as "psychology trainee",
15 "psychology student", "psychology intern", or
16 "psychology resident", that indicates the person's
17 training status; provided that the person shall not
18 identify the person's self as a psychologist or imply
19 that the person is licensed to practice psychology;
- 20 (5) Any person who is a member of another profession
21 licensed under the laws of this jurisdiction to render



1 or advertise services, including psychotherapy, within
2 the scope of practice as defined in the statutes or
3 rules regulating the person's professional practice;
4 provided that, notwithstanding section 465-1, the
5 person does not represent the person's self to be a
6 psychologist or does not represent that the person is
7 licensed to practice psychology;

8 (6) Any person who is a member of a mental health
9 profession not requiring licensure; provided that the
10 person functions only within the person's professional
11 capacities; and provided further that the person does
12 not represent the person to be a psychologist, or the
13 person's services as psychological;

14 (7) Any person who is a duly recognized member of the
15 clergy; provided that the person functions only within
16 the person's capacities as a member of the clergy; and
17 provided further that the person does not represent
18 the person to be a psychologist, or the person's
19 services as psychological;

20 (8) Any psychologist employed by the United States
21 Department of Defense, while engaged in the discharge



1 of the psychologist's official duty and providing
2 direct telehealth support or services, as defined in
3 section 431:10A-116.3, to neighbor island
4 beneficiaries within a Hawaii National Guard armory on
5 the island of Kauai, Hawaii, Molokai, or Maui;
6 provided that the psychologist employed by the United
7 States Department of Defense is credentialed by
8 Tripler Army Medical Center; or

9 (9) Any supervisee of a licensed psychologist as defined
10 in section 465D-7.

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

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

20 (1) Is professionally competent in the practice of
21 industrial/organizational psychology; ~~and~~



1 (2) Holds a doctoral degree from an accredited institution
2 of higher education with training and education in
3 industrial/organizational psychology, satisfactory to
4 the board; and

5 (3) Provides psychological service or consultation to
6 organizations [~~which~~] that does not involve the
7 delivery or supervision of direct psychological
8 services to individuals or groups of individuals,
9 without regard to the source or extent of payment for
10 services rendered.

11 (d) Nothing in this chapter shall prevent the provision of
12 expert testimony by a psychologist who is otherwise exempted by
13 this chapter.

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

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

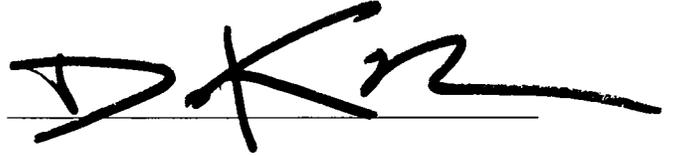
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1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "D. Kern", is written over a horizontal line.



S.B. NO. 847

Report Title:

Prescriptive Authority; Psychologists

Description:

Allows qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist in certain circumstances.

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