

JAN 17 2025

A BILL FOR AN ACT

RELATING TO PRESCRIPTIVE AUTHORITY FOR CLINICAL PSYCHOLOGISTS.

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

1 SECTION 1. The legislature finds that Hawaii needs more
2 mental health professionals having prescriptive authority to
3 provide the State's residents with access to care. The State is
4 experiencing a critical shortage of psychiatrists and primary
5 care physicians. This is especially true on the neighbor
6 islands, which experience shortages of psychiatrists of up to
7 seventy-five per cent. These shortages are leaving significant
8 mental health needs unmet.

9 Untreated or undertreated mental illnesses and substance
10 abuse disorders contribute to chronic homelessness in Hawaii and
11 are factors in approximately sixty per cent of all arrests on
12 the island of Oahu. Mentally ill persons who receive inadequate
13 or no treatment may also be at higher risk of attempting
14 suicide. According to the department of health, suicide is the
15 number one cause of death among Hawaii residents between fifteen
16 to twenty-four years of age. However, when identified and



1 treated, many mental health conditions respond well to therapy
2 and medication.

3 Although clinical psychologists in Hawaii currently lack
4 prescriptive authority, psychologists in other states have been
5 given this privilege. Colorado, Idaho, Illinois, Iowa,
6 Louisiana, and New Mexico have authorized prescriptive authority
7 for advanced trained psychologists. The Department of Defense
8 and Indian Health Service also authorize specially trained
9 psychologists to prescribe psychotropic medications. The
10 American Psychological Association has developed a model
11 curriculum for psychologists to earn a master's degree in
12 psychopharmacology.

13 The legislature recognizes that allowing specially trained
14 psychologists to prescribe certain psychotropic medications
15 would provide more residents with access to needed mental health
16 care.

17 Accordingly, the purpose of this Act is to authorize and
18 appropriate funds for the board of psychology to grant
19 prescriptive authority to clinical psychologists who meet
20 specific education, training, and registration requirements.



1 SECTION 2. 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 . PRESCRIBING PSYCHOLOGISTS**

5 **§465- Definitions.** As used in this part unless the
6 context otherwise requires:

7 "Advanced practice registered nurse with prescriptive
8 authority" means an advanced practice registered nurse, as
9 defined in section 457-2, with prescriptive authority granted
10 pursuant to section 457-8.6.

11 "Clinical experience" means a period of supervised clinical
12 training and practice during which clinical diagnoses and
13 interventions can be completed and supervised as part of, or
14 subsequent to, earning a post-doctoral master of science degree
15 in clinical psychopharmacology.

16 "Controlled substance" has the same meaning as in
17 section 329-1.

18 "Forensically encumbered" means a person who has been
19 detained by a Hawaii court for forensic examination or committed
20 to a psychiatric facility under the care and custody of the
21 director of health for appropriate placement by any court, has



1 been placed on conditional release or released on conditions by
2 a judge on a Hawaii court, or is involved in mental health court
3 or a jail diversion program.

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

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

6 "Prescribing psychologist" means a clinical psychologist
7 who has undergone specialized training in clinical
8 psychopharmacology, passed a national proficiency examination in
9 psychopharmacology approved by the board, and been granted a
10 prescriptive authority privilege by the board.

11 "Prescription" means an order for a psychotropic medication
12 or any device or test directly related to the diagnosis and
13 treatment of mental and emotional disorders pursuant to the
14 practice of psychology.

15 "Prescriptive authority privilege" means the authority
16 granted by the board to prescribe and administer psychotropic
17 medication and other directly related procedures within the
18 scope of the practice of psychology in accordance with rules
19 adopted by the board.

20 "Primary care provider" means a physician or osteopathic
21 physician licensed or exempt from licensure pursuant to



1 section 453-2 or an advanced practice registered nurse with
2 prescriptive authority.

3 "Psychotropic medication" means only those agents related
4 to the diagnosis and treatment of mental and emotional disorders
5 pursuant to the practice of psychology, except drugs classified
6 as schedule I, II, or III pursuant to chapter 329, opiates, or
7 narcotic drugs; provided that psychotropic medication shall
8 include stimulants for the treatment of attention deficit
9 hyperactivity disorder regardless of the stimulants' schedule
10 classification.

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

17 **§465- Administration.** (a) The board shall prescribe
18 forms and fees for the application for and renewal of
19 prescriptive authority privilege pursuant to this part.

20 (b) The board shall develop and implement procedures for
21 reviewing the educational and training credentials of a



1 psychologist applying for or renewing prescriptive authority
2 privilege pursuant to this part, in accordance with current
3 standards of professional practice.

4 (c) The board shall develop the exclusionary formulary for
5 prescribing psychologists. The board may form an advisory panel
6 for developing the exclusionary formulary and establishing
7 rules.

8 (d) The board shall adopt rules pursuant to chapter 91 as
9 necessary to implement this part; provided that the board shall
10 establish a rule that, except as otherwise provided in this
11 part, a prescribing psychologist shall collaborate with the
12 patient's primary health care provider.

13 (e) The board shall have all other powers necessary to
14 carry out the purposes of this part.

15 **§465- Prescriptive authority privilege; requirements.**

16 Beginning on July 1, 2026, the board shall accept applications
17 for prescriptive authority privilege. Each applicant for
18 prescriptive authority privilege shall submit evidence, in a
19 form and manner prescribed by the board, satisfying the board
20 that the applicant:

21 (1) Has clinical experience that includes:



1 (A) A minimum of eight hundred hours completed in a
2 clinical prescribing practicum, including
3 geriatric, pediatric, and pregnant patients,
4 completed in no fewer than twelve months and not
5 more than fifty-six months;

6 (B) The supervision of a minimum of one hundred
7 patients, including geriatric, pediatric, and
8 pregnant patients;

9 (C) A minimum of eighty hours completed in a physical
10 assessment practicum in a primary care, family
11 practice, community, or internal medicine
12 setting;

13 (D) A minimum of one hundred hours of community
14 service working with populations who are
15 low-income, homeless, or veterans; and

16 (E) A minimum of two hours per week of supervision by
17 a primary care provider or prescribing
18 psychologist; and

19 (2) Has demonstrated competency in neuroscience; nervous
20 system pathology; physiology and pathophysiology;
21 biopsychosocial and pharmacologic assessment and



1 monitoring; differential diagnosis; pharmacology;
2 clinical psychopharmacology; research; and in
3 integrating clinical psychopharmacology with the
4 practice of psychology and other diverse factors
5 including professional, legal, ethical, and
6 interprofessional concerns, by successfully passing
7 the nationally recognized Psychopharmacology
8 Examination for Psychologists, as determined by:

9 (A) The American Psychological Association Practice
10 Organization, if the examination was taken prior
11 to 2017;

12 (B) The Association of State and Provincial
13 Psychology Boards, if the examination was taken
14 after 2018; or

15 (C) Any successor organization.

16 **§465- Prescriptive authority privilege; renewal. (a)**

17 The board shall develop and implement processes for renewing
18 prescriptive authority privilege in conjunction with the renewal
19 of a license under section 465-11.

20 (b) To qualify for the renewal of prescriptive authority
21 privilege, a prescribing psychologist shall present evidence



1 satisfactory to the board that the prescribing psychologist has
2 completed at least eighteen hours biennially of acceptable
3 continuing education, as determined by the board, relevant to
4 the pharmacological treatment of mental and emotional disorders;
5 provided that the continuing education requirement shall not
6 apply to a prescribing psychologist who is applying for the
7 psychologist's first prescriptive authority renewal.

8 (c) The continuing education required pursuant to
9 subsection (b) shall be in addition to the continuing education
10 requirement in section 465-11.

11 (d) The board may conduct random audits of licensees to
12 determine compliance with the continuing education required by
13 subsection (b). The board shall provide written notice of an
14 audit to each randomly selected licensee. Within ninety days of
15 notification, the licensee shall provide the board with
16 documentation verifying compliance with the continuing education
17 requirement established by subsection (b).

18 (e) The board shall grant prescriptive authority, without
19 examination, to a psychologist who:



(1) Has been licensed to prescribe for five or more years in a state that authorizes prescriptive authority for psychologists;

(2) Is authorized to prescribe by any branch of the United States Armed Services;

(3) Is authorized to prescribe by the United States Department of Health; or

(4) Is authorized to prescribe by the Indian Health Service.

§465- Prescriptive authority privilege; prescribing

practices. (a) It shall be unlawful for any psychologist not granted prescriptive authority privilege pursuant to this part to prescribe, offer to prescribe, administer, or offer to administer any medication; or to use any sign, card, or device to indicate that the psychologist is authorized to prescribe or administer medication.

(b) A valid prescription issued by a prescribing psychologist shall be legibly written and shall include the:

(1) Date of issuance;

(2) Original signature of the prescribing psychologist;

(3) Prescribing psychologist's name and business address;



1 (4) Name, strength, quantity, and specific instructions
2 for the psychotropic medication to be dispensed;

3 (5) Name and address of the person for whom the
4 prescription was written;

5 (6) Room number and route of administration if the patient
6 is in an institutional facility; and

7 (7) Number of allowable refills, if applicable.

8 (c) A prescribing psychologist shall comply with all
9 applicable state and federal laws and rules relating to the
10 prescription and administration of psychotropic medication.

11 (d) A prescribing psychologist shall:

12 (1) Except as provided in paragraph (3), prescribe and
13 administer psychotropic medication only in
14 consultation with and pursuant to a written and signed
15 collaborative agreement with the patient's primary
16 care provider;

17 (2) Make any changes to a medication treatment plan,
18 including dosage adjustments, additions of
19 medications, or discontinuations of medications, only
20 in consultation and collaboration with the patient's
21 primary care provider;



(3) Prescribe and administer psychotropic medication for a patient who is forensically encumbered or who has a diagnosis of a serious mental illness and is subject to the jurisdiction of the department of health, only:

(A) After entering into a written and signed collaborative agreement with the department of health;

(B) In accordance with a treatment protocol agreed to by the prescribing psychologist and the treating psychologist at the department of health; and

(C) After providing notification to all other health care providers who are treating the patient; and

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

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

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

§465- Prescriptive authority privilege; exclusionary formulary. (a) A prescribing psychologist shall only prescribe



1 and administer medications for the treatment of mental health
2 disorders as defined by the most current version of the
3 Diagnostic and Statistical Manual of Mental Disorders.

4 (b) The exclusionary formulary for prescribing
5 psychologists shall consist of drugs or categories of drugs
6 adopted by the board.

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

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

12 (1) Schedule I controlled substances pursuant to
13 section 329-14;

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

16 (3) Schedule III controlled substances pursuant to
17 section 329-18, including any narcotic drugs or
18 opiates; and

19 (4) For indications other than those stated in labeling
20 approved by the United States Food and Drug



1 Administration if the patient is seventeen years of
2 age or younger;
3 provided that a prescribing psychologist may prescribe and
4 administer stimulants for the treatment of attention deficit
5 hyperactivity disorder, regardless of the stimulants' schedule
6 classification and buprenorphine for the treatment of opioid use
7 disorder.

8 **§465- Violation; penalties.** Any person who violates
9 this part shall be guilty of a misdemeanor and, upon conviction,
10 subject to penalties as provided in section 465-15(b). Any
11 person who violates this part may also be subject to
12 disciplinary action by the board."

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

15 1. By adding two new definitions to be appropriately
16 inserted and to read:

17 "Prescribing psychologist" means a clinical psychologist
18 licensed under chapter 465 who has:

19 (1) Undergone specialized training in clinical
20 psychopharmacology;



1 (2) Passed a national proficiency examination in
2 psychopharmacology, as approved by the board of
3 psychology; and

4 (3) Been granted prescriptive authority privilege by the
5 board of psychology.

6 "Psychotropic medication" means only those agents related
7 to the diagnosis and treatment of mental and emotional disorders
8 pursuant to the practice of psychology, as that term is defined
9 in section 465-1, except:

10 (1) Drugs classified into schedule I, II, or III pursuant
11 to this chapter;

12 (2) Opiates; or

13 (3) Narcotics;

14 provided that psychotropic medication shall include stimulants
15 for the treatment of attention deficit hyperactivity disorder,
16 regardless of the stimulants' schedule classification and
17 buprenorphine for the treatment of opioid use disorder."

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

19 ""Practitioner" means:

20 (1) A physician, dentist, veterinarian, scientific
21 investigator, or other person licensed and registered



1 under section 329-32 to distribute, dispense, or
2 conduct research with respect to a controlled
3 substance in the course of professional practice or
4 research in this State;

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

10 (3) A prescribing psychologist licensed and registered
11 under section 329-32 to prescribe and administer
12 psychotropic medication in the course of professional
13 practice in this State; and

14 ~~[+3+]~~ (4) A pharmacy, hospital, or other institution
15 licensed, registered, or otherwise permitted to
16 distribute, dispense, conduct research with respect to
17 or to administer a controlled substance in the course
18 of professional practice or research in this State."

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



1 "[+](h)[+] Prescriptions for controlled substances shall
2 be issued only as follows:

3 (1) All prescriptions for controlled substances shall
4 originate from within the State and be dated as of,
5 and signed on, the day when the prescriptions were
6 issued and shall contain:

7 (A) The first and last name and address of the
8 patient; and

9 (B) The drug name, strength, dosage form, quantity
10 prescribed, and directions for use. Where a
11 prescription is for gamma hydroxybutyric acid,
12 methadone, or buprenorphine, the practitioner
13 shall record as part of the directions for use,
14 the medical need of the patient for the
15 prescription.

16 Except for electronic prescriptions, controlled
17 substance prescriptions shall be no larger than eight
18 and one-half inches by eleven inches and no smaller
19 than three inches by four inches. A practitioner may
20 sign a prescription in the same manner as the
21 practitioner would sign a check or legal document



(e.g., J.H. Smith or John H. Smith) and shall use both words and figures (e.g., alphabetically and numerically as indications of quantity, such as five (5)), to indicate the amount of controlled substance to be dispensed. Where an oral order or electronic prescription is not permitted, prescriptions shall be written with ink or indelible pencil or typed, shall be manually signed by the practitioner, and shall include the name, address, telephone number, and registration number of the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of the practitioner, but the prescribing practitioner shall be responsible in case the prescription does not conform in all essential respects to this chapter and any rules adopted pursuant to this chapter. In receiving an oral prescription from a practitioner, a pharmacist shall promptly reduce the oral prescription to writing, which shall include the following information: the drug name, strength, dosage form, quantity prescribed in figures only, and directions for use; the date the



1 oral prescription was received; the full name, Drug
2 Enforcement Administration registration number, and
3 oral code number of the practitioner; and the name and
4 address of the person for whom the controlled
5 substance was prescribed or the name of the owner of
6 the animal for which the controlled substance was
7 prescribed.

8 A corresponding liability shall rest upon a
9 pharmacist who fills a prescription not prepared in
10 the form prescribed by this section. A pharmacist may
11 add a patient's missing address or change a patient's
12 address on all controlled substance prescriptions
13 after verifying the patient's identification and
14 noting the identification number on the back of the
15 prescription document on file. The pharmacist shall
16 not make changes to the patient's name, the controlled
17 substance being prescribed, the quantity of the
18 prescription, the practitioner's Drug Enforcement
19 Administration number, the practitioner's name, the
20 practitioner's electronic signature, or the
21 practitioner's signature;



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

6 (A) The registration number of the hospital or other
7 institution; and

8 (B) The special internal code number assigned to the
9 physician by the hospital or other institution in
10 lieu of the registration number of the
11 practitioner required by this section.

12 The hospital or other institution shall forward a copy
13 of this special internal code number list to the
14 department as often as necessary to update the
15 department with any additions or deletions. Failure
16 to comply with this paragraph shall result in the
17 suspension of that facility's privilege to fill
18 controlled substance prescriptions at pharmacies
19 outside of the hospital or other institution. Each
20 written prescription shall have the name of the



1 physician stamped, typed, or hand-printed on it, as
2 well as the signature of the physician;

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

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

7 (B) The official's service identification number, in
8 lieu of the registration number of the
9 practitioner required by this section. The
10 service identification number for a Public Health
11 Service employee shall be the employee's social
12 security or other government issued
13 identification number.

14 Each prescription shall have the name of the officer
15 stamped, typed, or handprinted on it, as well as the
16 signature of the officer; [and]

17 (4) A physician assistant registered to prescribe
18 controlled substances under the authorization of a
19 supervising physician shall include on all controlled
20 substance prescriptions issued:



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

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

Each written controlled substance prescription issued shall include the printed, stamped, typed, or hand-printed name, address, and phone number of both the supervising physician and physician assistant, and shall be signed by the physician assistant[-]; and

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

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

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

(C) The signature of the prescribing psychologist."



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

3 "(b) Whenever a pharmacist sells or dispenses any
4 controlled substance on a prescription issued by a physician,
5 dentist, podiatrist, or veterinarian, or any psychotropic
6 medication on a prescription issued by a prescribing
7 psychologist, the pharmacist shall affix to the bottle or other
8 container in which the drug is sold or dispensed:

9 (1) The pharmacy's name and business address;

10 (2) The serial number of the prescription;

11 (3) The name of the patient or, if the patient is an
12 animal, the name of the owner of the animal and the
13 species of the animal;

14 (4) The name of the physician, dentist, podiatrist,
15 prescribing psychologist, or veterinarian by whom the
16 prescription is written; and

17 (5) ~~[Such]~~ The directions as may be stated on the
18 prescription."

19 SECTION 6. Section 346-59.9, Hawaii Revised Statutes, is
20 amended by amending subsection (h) to read as follows:



1 "(h) All psychotropic medications covered by this section
2 shall be prescribed by a psychiatrist, a prescribing
3 psychologist with prescriptive authority under part of
4 chapter 465, a physician, or an advanced practice registered
5 nurse with prescriptive authority under chapter 457 and duly
6 licensed in the State."

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

10 **"PART I. GENERAL PROVISIONS"**

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

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

17 SECTION 9. (a) The board of psychology shall submit a
18 report and any proposed legislation, to the legislature no later
19 than twenty days prior to the convening of the regular session
20 of 2026, on the authorization of prescriptive authority to



1 prescribing psychologists who meet specific education, training,
2 and registration requirements pursuant to this Act.

3 (b) The board of psychology shall collaborate with the
4 department of health when preparing report data regarding the
5 treatment of patients who are forensically encumbered or who
6 have a diagnosis of serious mental illness and are subject to
7 the department's jurisdiction."

8 SECTION 10. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2025-2026 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2026-2027 for the board of psychology to implement prescriptive
13 authority privilege for certain psychologists pursuant to this
14 Act, including for the hiring of any necessary staff.

15 The sums appropriated shall be expended by the department
16 of commerce and consumer affairs for the purposes of this Act.

17 SECTION 11. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.

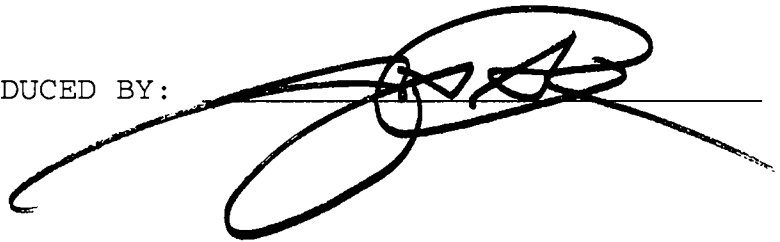
20 SECTION 12. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops, with the letters 'A' and 'S' being prominent.

S.B. NO. 708

Report Title:

Board of Psychology; Clinical Psychologists; Prescriptive Authority Privilege; Report; Appropriation

Description:

Authorizes and appropriates moneys for the Board of Psychology to grant prescriptive authority to clinical psychologists who meet specific education, training, and registration requirements. Requires the Board of Psychology to accept applications for prescriptive authority privilege beginning 7/1/2026. Requires the Board of Psychology to report to the Legislature.

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

