THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 847

JAN 17 2025

A BILL FOR AN ACT

RELATING TO PSYCHOLOGISTS.

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

SECTION 1. The legislature finds that there is limited access to mental health care treatment services for residents across the State. The delivery of comprehensive, accessible, and affordable mental health care has been demonstrably enhanced by collaborative practice among licensed clinical psychologists with prescriptive authority and medical doctors in federal facilities and programs and in states that have authorized prescriptive authority for psychologists. The legislature finds that providing limited prescriptive authority to qualified, licensed clinical psychologists, subject to supervision by a licensed medical doctor, could help make comprehensive mental health care more accessible to medically underserved residents of the State. The legislature acknowledges that the Health Resources and Services Administration of the United States Department of Health and Human Services has officially designated much of the State, including isolated rural locations and urban areas with high population densities, as a mental

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

The legislature has previously authorized prescription privileges for advanced practice registered nurses, optometrists, dentists, podiatrists, and physician assistants. These practitioners have been granted prescriptive authority based on demonstration of specific training, education, and practical competency. Education and training criteria, such as passage of national board examinations and degree and minimum experience requirements, have worked well to assure quality of services. Limitations on authority including the use of approved formularies, limited practice areas, and prohibitions on accepting or distributing drug samples have served to deter abuses in the system and to prevent the inappropriate practice of general medicine. Prescriptive authority for non-physician practitioners with varying types of limitations and supervision requirements has proven manageable and has expanded access to important health care services for patients across the State.

Clinical psychologists with appropriate training have been allowed to prescribe medications to active duty military personnel and their families in federal facilities and the federal Indian health service program for years. In recent years, Colorado, Idaho, Illinois, Iowa, Louisiana, New Mexico, and Utah have adopted legislation authorizing prescriptive authority for appropriately trained psychologists without regard to the service setting.

Since 2000, psychologists in Hawai‘i have received psychopharmacological training through the Tripler Army Medical Center psychology training program. These psychologists have actively collaborated with primary care physicians to provide combined therapy and psychopharmacological care to medically underserved patient populations at eleven federally qualified health centers: Bay Clinic, Hana, Moloka‘i, Kaua‘i, Wai‘anae, Kalihi-Palama, Waimānalo, Ko‘olauloa, West Hawai‘i, Kōkua Kalihi Valley, and Waikiki, as well as a native Hawaiian health care system clinic located in a federally designated medically underserved area on Moloka‘i.

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

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

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

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

"**PART . PRESCRIPTION CERTIFICATION**

§465- Definitions. As used in this part:

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

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

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

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

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

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

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

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

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

(1) Completed specialized education and training in preparation for prescriptive practice;

(2) Passed the Psychopharmacological Examination for Psychologists or an equivalent national examination accepted by the board relevant to establishing competence for prescribing; and

(3) Received from the board a current certificate granting prescriptive authority that has not been revoked or suspended.

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

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

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

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

§465- Conditional prescription certificate; application. (a) A psychologist who applies for a conditional prescription certificate shall demonstrate all of the following by official transcript or other official evidence satisfactory to the board:

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

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

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

pharmacotherapeutics, research, and professional, ethical and legal issues; and

(B) Relevant clinical experience sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of a supervising physician that consists of not less than two years and involves at least four hundred hours treating a diverse population of not fewer than one hundred patients with mental disorders including at least two hours of weekly on-site supervision per year by a supervising physician who is not employed by the psychologist being directed or supervised;

(3) Successful completion of the Psychopharmacological Examination for Psychologists or an equivalent national examination relevant to establishing competence for prescribing as approved by the board;

(4) A federal Drug Enforcement Administration registration number for limited use as restricted by state law;

(5) Malpractice insurance sufficient to satisfy the rules adopted by the board, which covers the applicant

during the period the conditional prescription certificate is in effect;

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

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

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

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

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

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

(2) Complete the first year of practice under a conditional prescription certificate under the direction of a supervising physician who is not employed by the psychologist being directed or supervised; provided that supervision pursuant to this paragraph shall include training in diagnostic laboratory tests, diagnostic imaging, and electroencephalogram tests;

(3) Inform the board of the name of the supervising physician under whose supervision the psychologist will prescribe psychotropic medication; provided that the psychologist shall promptly inform the board of any change of the supervising physician; and

(4) Maintain an ongoing collaborative relationship pursuant to subsection (c) with the doctors of medicine who oversee the general medical care of the psychologist's patients.

(b) A psychologist holding a conditional prescription certificate shall be authorized to prescribe, administer, discontinue, or distribute without charge, drugs or controlled substances recognized in or customarily used in the diagnosis,

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

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

(1) Necessary medical examinations are conducted;

(2) The psychotropic medication is appropriate for the patient's medical condition; and

(3) Significant changes in the patient's medical or psychological condition are discussed.

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

(1) Comply with applicable state and federal laws;

(2) Be identified as issued by a "psychologist certified to prescribe"; and

(3) Include the psychologist's board number or the identification number assigned by the department of commerce and consumer affairs.

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

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

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

(2) A current license in good standing to practice psychology in the State;

(3) Malpractice insurance sufficient to satisfy the rules adopted by the board, that will cover the applicant as a prescribing psychologist; and

(4) Completion of all other requirements, as determined by rules adopted by the board pursuant to chapter 91, for obtaining a prescription certificate.

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

(c) A psychologist with a prescription certificate may prescribe psychotropic medication to any patient under the psychologist's care for whom psychotropic medication is clinically indicated if the psychologist:

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

(2) Annually satisfies the continuing education requirements for prescribing psychologists recommended by the American Psychological Association, which shall be not less than twenty hours each year, at least half

of which shall be in pharmacology or psychopharmacology; and

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

(A) Necessary medical examinations are conducted;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

""Practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

"psychological assistant", but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;

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

(4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as "psychology trainee", "psychology student", "psychology intern", or "psychology resident", that indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;

(5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED BY: _____

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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