

---

---

# 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; powers, duties, and**

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

- 19 (1) A conditional prescription certificate, which includes  
20 successful completion of two years of prescribing



- 1           psychotropic medication as certified by a supervising  
2           physician;
- 3           (2) A current license in good standing to practice  
4           psychology in the State;
- 5           (3) Malpractice insurance sufficient to satisfy the rules  
6           adopted by the board, that will cover the applicant as  
7           a prescribing psychologist; and
- 8           (4) Completion of all other requirements, as determined by  
9           rules adopted by the board pursuant to chapter 91, for  
10          obtaining a prescription certificate.
- 11          (b) The board shall issue a prescription certificate if it  
12          finds that the applicant has met all of the requirements of  
13          subsection (a).
- 14          (c) A psychologist with a prescription certificate may  
15          prescribe psychotropic medication to any patient under the  
16          psychologist's care for whom psychotropic medication is  
17          clinically indicated, if the psychologist:
- 18               (1) Holds a current license to practice psychology in the  
19               State and maintains malpractice insurance;
- 20               (2) Annually satisfies the continuing education  
21               requirements for prescribing psychologists recommended



1 by the American Psychological Association, which shall  
2 be not less than twenty hours each year, at least half  
3 of which shall be in pharmacology or  
4 psychopharmacology; and

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

9 (A) Necessary medical examinations are conducted;

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

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

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

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



1           **§465- Administration.** (a) The board may adopt rules  
2 pursuant to chapter 91 to implement the procedures set forth in  
3 this part to obtain a conditional prescription certificate or a  
4 prescription certificate and to renew a conditional prescription  
5 certificate or prescription certificate. The board may set  
6 reasonable application and renewal fees.

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

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

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



1 certificate or prescription certificate that contains the  
2 information agreed upon between the board and the board of  
3 pharmacy. The board shall promptly provide the board of  
4 pharmacy with the names of any psychologist who is added to or  
5 deleted from the list.

6 **§465- Narcotics and controlled substance samples**

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

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

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

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



- 1           2. By amending the definition of "practitioner" to read:  
2           ""Practitioner" means:  
3           (1) A physician, dentist, veterinarian, scientific  
4                 investigator, or other person licensed and registered  
5                 under section 329-32 to distribute, dispense, or  
6                 conduct research with respect to a controlled  
7                 substance in the course of professional practice or  
8                 research in this State;  
9           (2) An advanced practice registered nurse with  
10                 prescriptive authority licensed and registered under  
11                 section 329-32 to prescribe and administer controlled  
12                 substances in the course of professional practice in  
13                 this State;  
14           (3) A licensed midwife practicing as a certified midwife  
15                 registered under section 329-32 to prescribe and  
16                 administer controlled substances in the course of  
17                 professional practice in this State; [~~and~~]  
18           (4) A psychologist certified to prescribe who is licensed  
19                 and registered under section 329-32 to prescribe and  
20                 dispense controlled substances in accordance with the



1           requirements and limitations of part \_\_\_\_\_ of  
 2           chapter 465; and  
 3       [~~4~~] (5) A pharmacy, hospital, or other institution  
 4           licensed, registered, or otherwise permitted to  
 5           distribute, dispense, conduct research with respect to  
 6           or to administer a controlled substance in the course  
 7           of professional practice or research in this State."

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

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

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

14           "**§465-3 Exemptions.** (a) This chapter shall not apply to:

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



- 1           (2) Any person, except an associate psychologist granted  
2           provisional licensure pursuant to section 465-7.2, who  
3           performs any, or any combination, of the professional  
4           services defined as the practice of psychology under  
5           the direction of a licensed psychologist in accordance  
6           with rules adopted by the board; provided that the  
7           person may use the term "psychological assistant", but  
8           shall not identify the person's self as a psychologist  
9           or an associate psychologist or imply that the person  
10          is licensed to practice psychology;
- 11          (3) Any person employed by a local, state, or federal  
12          government agency in a school psychologist or  
13          psychological examiner position, or a position that  
14          does not involve diagnostic or treatment services, but  
15          only at those times when that person is carrying out  
16          the functions of the government employment;
- 17          (4) Any person who is a student of psychology or enrolled  
18          in a professional psychology training program as  
19          defined under this chapter; provided that the person  
20          shall not identify the person's self as a psychologist



1 or an associate psychologist or imply that the person  
2 is licensed to practice psychology;

3 (5) Any person who is a member of another profession  
4 licensed under the laws of this jurisdiction to render  
5 or advertise services, including psychotherapy, within  
6 the scope of practice as defined in the statutes or  
7 rules regulating the person's professional practice;  
8 provided that, notwithstanding section 465-1, the  
9 person shall not represent the person's self to be a  
10 psychologist, an associate psychologist, or an  
11 individual licensed to practice psychology;

12 (6) Any person who is a member of a mental health  
13 profession not requiring licensure; provided that the  
14 person functions only within the person's professional  
15 capacities; provided further that the person shall not  
16 represent the person to be a psychologist or an  
17 associate psychologist or the person's services as  
18 psychological;

19 (7) Any person who is a duly recognized member of the  
20 clergy; provided that the person functions only within  
21 the person's capacities as a member of the clergy;



1 provided further that the person shall not represent  
2 the person to be a psychologist or an associate  
3 psychologist or the person's services as  
4 psychological; or

5 (8) Any psychologist employed by the United States  
6 Department of Defense, while engaged in the discharge  
7 of the psychologist's official duty and providing  
8 direct telehealth support or services, as defined in  
9 section 431:10A-116.3, to neighbor island  
10 beneficiaries within a Hawaii National Guard armory on  
11 the island of Kauai, Hawaii, Molokai, or Maui;  
12 provided that the psychologist employed by the United  
13 States Department of Defense shall be credentialed by  
14 Tripler Army Medical Center.

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



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

- 4 (1) Is professionally competent in the practice of  
5 industrial/organizational psychology; ~~and~~  
6 (2) Holds a doctoral degree from an accredited institution  
7 of higher education with training and education in  
8 industrial/organizational psychology, satisfactory to  
9 the board; and  
10 (3) Provides psychological service or consultation to  
11 organizations ~~which~~ that does not involve the  
12 delivery or supervision of direct psychological  
13 services to individuals or groups of individuals,  
14 without regard to the source or extent of payment for  
15 services rendered.

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

19 ~~[-(e) Nothing in this chapter shall be construed as  
20 permitting the administration or prescription of drugs, or in~~



1 ~~any way engaging in the practice of medicine as defined in the~~  
2 ~~laws of the State.]"~~

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

5 SECTION 7. This Act shall take effect on July 1, 2026.



# S.B. NO. 847 S.D. 1

**Report Title:**

Board of Psychology; Prescriptive Authority; Psychologists;  
Conditional Prescription Certificate; Prescriptive Certificate;  
Rules

**Description:**

Allows qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist in certain circumstances. Requires the Board of Psychology to adopt rules. (SD1)

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

