

JAN 21 2011

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 of Hawaii. The delivery of comprehensive,
4 accessible, and affordable mental health medical care may be
5 enhanced by providing trained medical psychologists, licensed in
6 Hawaii, with limited prescriptive authority. The legislature
7 has previously authorized prescription privileges to advanced
8 practice registered nurses, optometrists, dentists, podiatrists,
9 osteopaths, and physician assistants.

10 Psychologists with appropriate credentials have been
11 allowed to prescribe medications to active duty military
12 personnel and their families in federal facilities and the
13 federal Indian Health Service program for years. In recent
14 years, Louisiana and New Mexico adopted legislation authorizing
15 prescriptive authority for appropriately trained psychologists
16 without regard to the service setting.

17 Since 2000, twenty psychologists, all born and raised in
18 Hawaii, have received psychopharmacological training through the



1 Tripler Army Medical Center psychology training program. These
2 psychologists have actively collaborated with primary care
3 physicians to provide combined therapy and psychopharmacological
4 care to a medically underserved patient population at eleven
5 federally qualified health centers, Bay Clinic, Hana, Molokai,
6 Kauai, Waianae, Kalihi-Palama, Waimanalo, Ko'olauloa, West
7 Hawaii, Kokua Kalihi Valley, and Waikiki, as well as a native
8 Hawaiian healthcare system clinic located in a federally
9 designated medically underserved area on Molokai.

10 The American Psychological Association has developed a
11 model curriculum for a master's degree in psychopharmacology for
12 the education and training of prescribing psychologists.

13 Independent evaluations of the United States Department of
14 Defense Psychopharmacological Demonstration Project by the
15 United States General Accounting Office and the American College
16 of Neuropsychopharmacology have found that appropriately trained
17 medical psychologists prescribe safely and effectively.

18 The purpose of this Act is to authorize appropriately
19 trained and supervised licensed psychologists to prescribe
20 psychotropic medications for the treatment of mental illness.



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 . PRESCRIPTION CERTIFICATION

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

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

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

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

15 "Prescription" is an order for a drug, laboratory test, or
16 any medicine, device, or treatment, including a controlled
17 substance, as defined by state law.

18 "Prescriptive authority" means the authority to prescribe,
19 administer, discontinue, or distribute without charge, drugs or
20 controlled substances recognized in or customarily used in the
21 diagnosis, treatment, and management of individuals with
22 psychiatric, mental, cognitive, nervous, emotional, or



1 behavioral disorders, or other procedures directly related
2 thereto within the scope of practice of psychology in accordance
3 with rules adopted by the board.

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

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

13 "Psychotropic medication" means only those agents related
14 to the diagnosis and treatment of mental and emotional
15 disorders, including controlled substances except narcotics.

16 "Supervising physician" means a medically trained and
17 licensed physician or psychiatrist who accepts professional
18 responsibility for the provision of psychopharmacotherapy.

19 **§465-B Conditional prescription certificate; application.**

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



- 1 (1) A current license in good standing to practice
- 2 psychology in Hawaii;
- 3 (2) As defined by the board, and consistent with
- 4 established policies of the American Psychological
- 5 Association for educating and training psychologists
- 6 in preparation for prescriptive authority:
- 7 (A) A master's degree in psychopharmacology, which
- 8 reflects an organized sequence of study in an
- 9 organized program offering intensive didactic
- 10 education, and includes the following core areas
- 11 of instruction: basic life sciences,
- 12 neurosciences, clinical and research pharmacology
- 13 and psychopharmacology, clinical medicine and
- 14 pathophysiology, physical assessment and
- 15 laboratory examinations, clinical
- 16 pharmacotherapeutics, research, professional,
- 17 ethical and legal issues; and
- 18 (B) Relevant clinical experience sufficient to attain
- 19 competency in the psychopharmacological treatment
- 20 of a diverse patient population under the
- 21 direction of a supervising physician, which
- 22 consists of not less than one year, involving



1 four hundred hours treating a diverse population
2 of no fewer than one hundred patients with mental
3 disorders including at least two hours of weekly
4 supervision. The supervising physician shall not
5 be in the employ of the person being directed or
6 supervised;

7 (3) Successful completion of an examination developed by a
8 nationally recognized body (e.g., the American
9 Psychological Association's Practice Organization's
10 College of Professional Psychology) and approved by
11 the board;

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

14 (5) Malpractice insurance in place sufficient to satisfy
15 the rules adopted by the board, that covers the
16 applicant during the period the conditional
17 prescription certificate is in effect;

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

21 (7) Employment, including by contract, and an intent to
22 practice the prescribing authority at a federally



1 qualified health center established pursuant to Title
2 42 United States Code Section 1396.

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

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

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

12 (1) Hold a current license to practice psychology in
13 Hawaii and maintain malpractice insurance;

14 (2) Inform the board of the name of the supervising
15 physician under whose supervision the psychologist
16 will prescribe psychotropic medication; provided that
17 the psychologist shall promptly inform the board of
18 any change of the supervising physician; and

19 (3) Maintain an ongoing collaborative relationship with
20 the doctor of medicine who oversees each patient's
21 general medical care.



1 (b) A psychologist holding a conditional prescription
2 certificate shall be authorized to prescribe, administer,
3 discontinue, or distribute without charge, drugs or controlled
4 substances recognized in or customarily used in the diagnosis,
5 treatment, and management of individuals with psychiatric,
6 mental, cognitive, nervous, emotional or behavioral disorders
7 and relevant to the practice of psychology, or other procedures
8 directly related thereto within the scope of practice of
9 psychology in accordance with rules adopted by the board. The
10 authorization shall be limited to services provided to patients
11 under the care of the psychologist and who are enrolled at the
12 federally qualified health center identified by the board.

13 (c) When prescribing psychotropic medication for a
14 patient, a psychologist holding a conditional prescription
15 certificate shall maintain an ongoing collaborative relationship
16 with the doctor of medicine who oversees each patient's general
17 medical care to ensure that:

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



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

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

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

13 (f) When authorized to prescribe controlled substances, a
14 psychologist holding a conditional prescription certificate
15 shall file with the board, in a timely manner, all individual
16 federal Drug Enforcement Administration registration numbers.

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

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



1 psychotropic medication as certified by a supervising
2 physician;

3 (2) Successful completion of a process of independent peer
4 review approved by the department of commerce and
5 consumer affairs;

6 (3) A current license in good standing to practice
7 psychology in Hawaii;

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

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

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

17 (c) A psychologist with a prescription certificate may
18 prescribe psychotropic medication if the psychologist:

19 (1) Holds a current license to practice psychology in
20 Hawaii and maintains malpractice insurance;

21 (2) Annually satisfies the continuing education
22 requirements for prescribing psychologists, as set by



1 the board, which shall be no fewer than twenty hours
2 each year, at least half of which shall be in
3 pharmacology or psychopharmacology; and

4 (3) Maintains an ongoing collaborative relationship
5 directly or by telecommunication with the doctor of
6 medicine who oversees each patient's general medical
7 care to ensure that:

8 (A) Necessary medical examinations are conducted;

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

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

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

16 **§465-E Administration.** (a) The board shall adopt rules
17 pursuant to chapter 91 establishing the procedures to be
18 followed to obtain a conditional prescription certificate, a
19 prescription certificate, and renewal of a conditional
20 prescription certificate and prescription certificate. The
21 board may set reasonable application and renewal fees.



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

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

14 (d) The board shall provide to the board of pharmacy an
15 annual list of psychologists holding a conditional prescription
16 certificate or prescription certificate that contains the
17 information agreed upon between the board and the board of
18 pharmacy. The board shall promptly provide the board of
19 pharmacy with the names of any psychologists who are added or
20 deleted from the list.

21 **§465-F Narcotics; prohibited.** This part shall not be
22 construed to permit a psychologist holding a conditional



1 prescription certificate or prescription certificate to
2 administer or prescribe a narcotic."

3 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
4 amended by designating sections 465-1 to 465-15 as part I,
5 entitled "General Provisions".

6 SECTION 4. Section 465-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§465-3 Exemptions.** (a) This chapter shall not apply to:

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

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

21 "psychological assistant", but shall not identify the



1 person's self as a psychologist or imply that the
2 person is licensed to practice psychology;

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

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

19 (5) Any person who is a member of another profession
20 licensed under the laws of this jurisdiction to render
21 or advertise services, including psychotherapy, within
22 the scope of practice as defined in the statutes or



1 rules regulating the person's professional practice;
2 provided that, notwithstanding section 465-1, the
3 person does not represent the person's self to be a
4 psychologist or does not represent that the person is
5 licensed to practice psychology;

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

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

18 (b) Nothing in this chapter shall in any way restrict any
19 person from carrying on any of the psychological activities as
20 defined in section 465-1; provided that such person does not
21 offer psychological services as defined in this chapter except



1 as such activities are incidental to the person's lawful
2 occupational purpose.

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

6 (1) Is professionally competent in the practice of
7 industrial/organizational psychology; and

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

12 (3) Provides psychological service or consultation to
13 organizations which does not involve the delivery or
14 supervision of direct psychological services to
15 individuals or groups of individuals, without regard
16 to the source or extent of payment for services
17 rendered.

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

21 ~~[(e) Nothing in this chapter shall be construed as~~
22 ~~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 5. In codifying the new sections added by
4 section 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

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

9 SECTION 7. This Act shall take effect on July 1, 2011.

10

INTRODUCED BY:

Josh [Signature]
Rosalyn de Baka
Amil [Signature]
Carol [Signature]



Report Title:

Prescriptive Authority; Psychologists

Description:

Authorizes limited prescriptive authority for qualified psychologists who practice at a federally qualified health center.

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

