
A BILL FOR AN ACT

RELATING TO PRESCRIPTIVE AUTHORITY FOR CERTAIN PSYCHOLOGISTS.

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

1 SECTION 1. The legislature finds there are an insufficient
2 number of prescribing mental health care providers available to
3 serve the needs of Hawaii's people. The delivery of quality,
4 comprehensive, accessible, and affordable health care is
5 enhanced by collaborative practice between licensed clinical
6 psychologists and medical doctors. Providing advanced training
7 in psychopharmacology to certain psychologists who wish to
8 become medical psychologists would be beneficial to residents of
9 Hawaii, particularly those who live in rural or medically
10 underserved communities where mental health professionals with
11 prescriptive authority are in short supply.

12 The legislature further finds that the mental health needs
13 of the State continue to outweigh present capacity. According
14 to the federal Centers for Disease Control and Prevention,
15 suicide is the third leading cause of death for youth between
16 the ages of ten and twenty-four and the tenth leading cause of
17 death in the United States. Suicide was the single leading



1 cause of fatal injuries in Hawaii from 2004 to 2013, with a
2 generally increasing trend in the annual suicide rate among
3 residents. On average, one hundred seventy people die from
4 suicide and eight hundred fifty two people attempt suicide in
5 Hawaii each year. Studies have shown that people who commit
6 suicide receive little or no treatment for their mental health
7 problems due to pervasive stigma against mental illness that
8 prevents many from seeking help and barriers to accessing
9 appropriate and effective care in the community. While causes
10 for suicide are complex, the most commonly reported reasons
11 include depression, relationship problems, and serious medical
12 problems, which are conditions with significantly high rates of
13 occurrence within the general population.

14 Information from the Honolulu police department revealed
15 that in 2006, 1,435 people were involuntarily taken to emergency
16 rooms for psychiatric evaluation and treatment. During the
17 first four months of 2007, the Honolulu police department
18 responded to four hundred four calls to assist in psychological
19 crises that required emergency attention. Based on a review of
20 the records, approximately fifty-four per cent of these calls
21 resulted from inadequate medication management. Although mental



1 health needs in the State continue to grow, in recent years, the
2 adult mental health division has had to limit eligibility
3 criteria by diagnosis as well as direct services, including case
4 management and crisis management, due to economic shortfalls.

5 The legislature additionally finds that research indicates
6 that there is an insufficient amount of prescribing mental
7 health care providers available to serve the needs of the people
8 in Hawaii. According to the National Alliance on Mental
9 Illness, approximately thirty-two thousand adults in Hawaii live
10 with serious mental illness and approximately twelve thousand
11 children in the State live with serious mental health
12 conditions. However, only forty-five per cent of adults in
13 Hawaii who live with serious mental illnesses received services
14 from Hawaii's public mental health system. According to the
15 federal Substance Abuse and Mental Health Services
16 Administration, adults diagnosed with serious mental illness
17 represent more than three per cent of the total State
18 population, although this figure does not include individuals
19 with other clinical diagnoses such as unipolar depression,
20 anxiety disorders, adjustment disorders, substance abuse, or
21 post-traumatic stress disorder.



1 The legislature also finds that clinical psychologists,
2 also known as medical psychologists, are licensed health
3 professionals with an average of seven years of post-
4 baccalaureate study and three thousand hours of post-graduate
5 supervised practice in the diagnosis and treatment of mental
6 illness. Because the current scope of clinical psychologists'
7 practice does not include prescribing medications, patients must
8 consult with and pay for another provider to obtain psychotropic
9 medications when indicated.

10 The legislature has previously authorized prescription
11 privileges to advanced practice registered nurses, optometrists,
12 dentists, podiatrists, osteopaths, and naturopathic physicians.
13 Licensed clinical psychologists with specialized education and
14 training in preparation for prescriptive practice have been
15 allowed to prescribe psychotropic medications to active duty
16 military personnel and their families in federal facilities and
17 the Indian Health Service for decades. In recent years,
18 Louisiana and New Mexico adopted legislation authorizing
19 prescriptive authority for medical psychologists. In 2014,
20 Illinois became the third state authorizing medical
21 psychologists to prescribe. In the ten years since the



1 Louisiana law was enacted, there have been no complaints against
2 medical psychologists regarding prescribing. In Louisiana and
3 New Mexico, medical psychologists are able to fill positions
4 that were vacant for a number of years and continue to serve
5 predominately indigent or rural populations.

6 The legislature further finds that the American
7 Psychological Association has developed a model curriculum for a
8 master's degree in psychopharmacology for the education and
9 training of prescribing medical psychologists. Independent
10 evaluations of the federal Department of Defense
11 psychopharmacological demonstration project by the United States
12 General Accounting Office, now known as the Government
13 Accountability Office, and the American College of
14 Neuropsychopharmacology, as well as the experiences of New
15 Mexico and Louisiana, have found that appropriately trained
16 medical psychologists can prescribe medications safely and
17 effectively. A master of science in clinical psychopharmacology
18 is currently offered at the University of Hawaii at Hilo college
19 of pharmacy.

20 The purpose of this Act is to authorize the board of
21 psychology to issue certificates of prescriptive authority to



1 medical psychologists who meet certain education, training, and
2 registration requirements.

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

6 "PART . MEDICAL PSYCHOLOGISTS

7 §465- Definitions. As used in this part unless the
8 context otherwise requires:

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

11 "Certificate of prescriptive authority" means a certificate
12 issued by the board that grants a medical psychologist the
13 authority to prescribe and distribute, without charge, drugs and
14 other directly related procedures within the scope of the
15 practice of psychology in accordance with rules adopted by the
16 board.

17 "Drug" shall have the same meaning as in section 461-1;
18 provided that the term "drug" shall include controlled
19 substances except narcotics; provided further that the term
20 "drug" shall be limited to only those agents related to the
21 diagnosis and treatment of mental and emotional disorders



1 pursuant to the practice of psychology, as that term is defined
2 in section 465-1. Nothing in this chapter shall be construed to
3 permit a medical psychologist to administer or prescribe a
4 narcotic.

5 "Medical psychologist" means a psychologist who has
6 undergone specialized training in clinical psychopharmacology,
7 passed a national proficiency examination in psychopharmacology
8 approved by the board, and holds a current certificate of
9 prescriptive authority issued by the board.

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

12 "Prescription" means an order for a drug or any device or
13 test directly related to the drug or the decision to order or
14 continue or discontinue the order of the drug.

15 **§465- Administration.** (a) The board shall prescribe an
16 application form for examination, certification, and
17 certification renewal pursuant to this part.

18 (b) The board shall develop and implement procedures to
19 review the educational and training credentials of a
20 psychologist applying for a certificate of prescriptive
21 authority and for renewal of a certificate of prescriptive



1 authority under this part, in accordance with current standards
2 of professional practice.

3 (c) The board shall issue or renew a certificate of
4 prescriptive authority to any qualified medical psychologist who
5 is not in violation of this part.

6 (d) The board shall establish the grounds for denial,
7 suspension, or revocation of a certificate of prescriptive
8 authority for any medical psychologist found guilty of violating
9 this part.

10 (e) The board shall issue an identification number to be
11 placed on a certificate of prescriptive authority issued
12 pursuant to this part.

13 (f) The board shall maintain a current roster of every
14 medical psychologist certified to prescribe under this part,
15 including each medical psychologist's name, last known address,
16 identification number issued by the board, and federal Drug
17 Enforcement Administration registration number.

18 (g) The board shall have all other powers which may be
19 necessary to carry out the purposes of this part.

20 **§465- Certificate of prescriptive authority;**

21 **requirements.** (a) Every applicant for a certificate of



1 prescriptive authority shall submit evidence satisfactory to the
2 board, in a form and manner prescribed by the board, that the
3 applicant meets the following requirements:

4 (1) The applicant possesses a current license at the
5 doctoral level to provide health care services as a
6 psychologist in the State;

7 (2) Prior to submitting an application, the applicant
8 successfully completed minimum educational and
9 training requirements either during the doctoral
10 program required for licensure under this part or in
11 an accredited undergraduate or master level program
12 that consists of the following:

13 (A) Specific minimum undergraduate biomedical
14 prerequisite coursework, including medical
15 terminology (class or proficiency), chemistry or
16 biochemistry with lab (two semesters), human
17 physiology (one semester), human anatomy (one
18 semester), anatomy and physiology, microbiology
19 with lab (one semester), and general biology for
20 science majors or cell and molecular biology (one
21 semester);



- 1 (3) The applicant successfully graduated with a post
2 doctoral master's degree in clinical
3 psychopharmacology from a regionally-accredited
4 institution or equivalent to a post doctoral master's
5 degree, as approved by the board, including:
- 6 (A) Study in a program offering intensive didactic
7 education, and including the following core areas
8 of instruction: basic life sciences,
9 neurosciences, clinical and research pharmacology
10 and psychopharmacology, clinical medicine and
11 pathophysiology, physical assessment and
12 laboratory examinations, clinical
13 pharmacotherapeutics, research, professional,
14 ethical, and legal issues. The didactic portion
15 of the education shall consist of a minimum of
16 sixty credit hours; and
- 17 (B) Clinical experience that includes a supervised
18 experiential training practicum, of at least
19 fourteen months and thirty-six credit hours,
20 where the applicant was actively involved in
21 consultation with psychiatrists or physicians



1 regarding the prescribing of psychotropic
2 medications, and which consists of a research
3 project, direct face-to-face supervision, and a
4 clinical rotation phase where students complete
5 rotations in emergency medicine, family medicine,
6 geriatrics, internal medicine, obstetrics and
7 gynecology, pediatrics, psychiatrics, surgery,
8 and one elective of the student's choice; program
9 approval standards addressing faculty
10 qualifications, regular competency evaluation and
11 length of clinical rotations, and instructional
12 settings, including hospitals, hospital
13 outpatient clinics, community mental health
14 clinics, and correctional facilities, in
15 accordance with those of the Accreditation Review
16 Commission on Education for the Physician
17 Assistant; and

- 18 (4) The applicant has successfully completed the
19 nationally recognized Psychopharmacology Exam for
20 Psychologists developed by the American Psychological
21 Association's Practice Organization's College of



1 Professional Psychology relevant to establish
2 competence across the following content areas:
3 neuroscience, nervous system pathology, physiology and
4 pathophysiology, biopsychosocial and pharmacologic
5 assessment and monitoring, differential diagnosis,
6 clinical psychopharmacology, research, and integrating
7 clinical psychopharmacology with the practice of
8 psychology and professional, legal, ethical, and
9 interprofessional issues.

10 (b) The board shall issue a certificate of prescriptive
11 authority to any applicant who has met all of the requirements
12 of subsection (a).

13 **§465- Certificate of prescriptive authority: renewal.**

14 (a) The board shall implement a method of renewal of a
15 certificate of prescriptive authority in conjunction with the
16 renewal of a medical psychologist's license to practice
17 psychology required under section 465-11.

18 (b) To qualify for renewal of a certificate of
19 prescriptive authority, a medical psychologist shall present
20 evidence satisfactory to the board that the medical psychologist
21 has completed at least twenty hours annually of acceptable



1 continuing education, as determined by the board, relevant to
2 the pharmacological treatment of mental and emotional disorders.

3 (c) The continuing education requirement under this
4 section shall be in addition to the continuing education
5 requirement under section 465-11.

6 **§465- Certificate of prescriptive authority; prescribing**
7 **practices.** (a) No medical psychologist shall issue a
8 prescription unless the medical psychologist holds a valid
9 certificate of prescriptive authority.

10 (b) A prescription issued by a medical psychologist shall:

- 11 (1) Comply with applicable state and federal laws;
12 (2) Clearly identify the issuing psychologist as a medical
13 psychologist certified to prescribe; and
14 (3) Include the medical psychologist's identification
15 number.

16 (c) A medical psychologist holding a valid certificate of
17 prescriptive authority shall consult and collaborate with the
18 patient's physician of record to ensure that the medical
19 psychologist:



1 (1) Prescribes only in consultation and collaboration with
2 a patient's physician of record and with the
3 concurrence of that physician; and

4 (2) Consults with the patient's physician of record,
5 obtains concurrence upon initiating, and reconsults
6 prior to making changes to a medication treatment
7 plan, including dosage adjustments or adding or
8 discontinuing a medication; provided that the medical
9 psychologist and the physician shall document the
10 consultation in the patient's medical record.

11 (d) A medical psychologist shall not prescribe for any
12 patient who does not have a primary or attending physician.

13 (e) A medical psychologist shall not delegate prescriptive
14 authority to any other person.

15 **§465- Drug Enforcement Administration; registration.**

16 (a) A medical psychologist authorized under this part shall
17 obtain a Drug Enforcement Administration registration number.

18 (b) A medical psychologist shall file with the board the
19 individual's federal Drug Enforcement Administration
20 registration number. The registration number shall be filed



1 before the medical psychologist issues a prescription for a
2 controlled substance.

3 **§465- Coordination; board of pharmacy.** (a) The board
4 shall provide to the board of pharmacy an annual list of medical
5 psychologists holding valid certificates of prescriptive
6 authority. The list shall contain the name and identification
7 number of each medical psychologist and the effective date of
8 prescriptive authority.

9 (b) The board shall promptly provide the board of pharmacy
10 with the names of any medical psychologists who are added or
11 deleted from the list.

12 (c) The board shall notify the board of pharmacy in a
13 timely manner of the revocation, suspension, or reinstatement of
14 any certificate of prescriptive authority.

15 **§465- Violation; penalties.** Any person who violates
16 this part shall be guilty of a misdemeanor and, on conviction,
17 fined not more than \$500 or imprisoned not more than six months,
18 or both."

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



1 "PART I. GENERAL PROVISIONS"

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

4 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

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

12 (2) Any person who performs any, or any combination of the
13 professional services defined as the practice of
14 psychology under the direction of a licensed
15 psychologist in accordance with rules adopted by the
16 board; provided that the person may use the term
17 "psychological assistant", but shall not identify the
18 person's self as a psychologist or imply that the
19 person is licensed to practice psychology;

20 (3) Any person employed by a local, state, or federal
21 government agency in a school psychologist or



1 psychological examiner position, or a position that
2 does not involve diagnostic or treatment services, but
3 only at those times when that person is carrying out
4 the functions of such government employment;

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

15 (5) Any person who is a member of another profession
16 licensed under the laws of this jurisdiction to render
17 or advertise services, including psychotherapy, within
18 the scope of practice as defined in the statutes or
19 rules regulating the person's professional practice;
20 provided that, notwithstanding section 465-1, the
21 person does not represent the person's self to be a



- 1 psychologist or does not represent that the person is
2 licensed to practice psychology;
- 3 (6) Any person who is a member of a mental health
4 profession not requiring licensure; provided that the
5 person functions only within the person's professional
6 capacities; and provided further that the person does
7 not represent the person to be a psychologist, or the
8 person's services as psychological;
- 9 (7) Any person who is a duly recognized member of the
10 clergy; provided that the person functions only within
11 the person's capacities as a member of the clergy; and
12 provided further that the person does not represent
13 the person to be a psychologist, or the person's
14 services as psychological; or
- 15 (8) Any psychologist employed by the United States
16 Department of Defense, while engaged in the discharge
17 of the psychologist's official duty and providing
18 direct telehealth support or services, as defined in
19 section 431:10A-116.3, to neighbor island
20 beneficiaries within a Hawaii National Guard armory on
21 the island of Kauai, Hawaii, Molokai, or Maui;



1 provided that the psychologist employed by the United
2 States Department of Defense is credentialed by
3 Tripler Army Medical Center.

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

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

- 13 (1) Is professionally competent in the practice of
14 industrial/organizational psychology; [~~and~~]
- 15 (2) Holds a doctoral degree from an accredited institution
16 of higher education with training and education in
17 industrial/organizational psychology, satisfactory to
18 the board; and
- 19 (3) Provides psychological service or consultation to
20 organizations [~~which~~] that does not involve the
21 delivery or supervision of direct psychological



1 services to individuals or groups of individuals,
2 without regard to the source or extent of payment for
3 services rendered.

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

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

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Psychologists; Medical Psychologists; Prescriptive Authority;
Certificate of Prescriptive Authority; Board of Psychology

Description:

Authorizes the board of psychology to issue certificates of prescriptive authority to medical psychologists who meet certain education, training, and registration requirements. (HB1072 HD1)

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