

JAN 23 2015

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# 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, 170 people die from suicide and 852  
4 people attempt suicide in Hawaii each year. Studies have shown  
5 that people who commit suicide receive little or no treatment  
6 for their mental health problems due to pervasive stigma against  
7 mental illness that prevents many from seeking help and barriers  
8 to accessing appropriate and effective care in the community.  
9 While causes for suicide are complex, the most commonly reported  
10 reasons include depression, relationship problems, and serious  
11 medical problems, which are conditions with significantly high  
12 rates of occurrence within the general population.

13 Information from the Honolulu police department revealed  
14 that in 2006, 1,435 people were involuntarily taken to emergency  
15 rooms for psychiatric evaluation and treatment. During the  
16 first four months of 2007, the Honolulu police department  
17 responded to four hundred and four calls to assist in  
18 psychological crises that required emergency attention. Based  
19 on a review of the records, approximately 54 per cent of these  
20 calls resulted from inadequate medication management. Although  
21 mental health needs in the State continue to grow, in recent



1 years, the adult mental health division has had to limit  
2 eligibility criteria by diagnosis as well as direct services,  
3 including case management and crisis management, due to economic  
4 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 32,000 adults in Hawaii live with serious  
10 mental illness and approximately 12,000 children in the State  
11 live with serious mental health conditions. However, only 45  
12 per cent of adults in Hawaii who live with serious mental  
13 illnesses received services from Hawaii's public mental health  
14 system. According to the federal Substance Abuse and Mental  
15 Health Services Administration, adults diagnosed with serious  
16 mental illness represent more than 3 per cent of the total State  
17 population, although this figure does not include individuals  
18 with other clinical diagnoses such as unipolar depression,  
19 anxiety disorders, adjustment disorders, substance abuse, or  
20 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) The applicant successfully graduated with a post  
8 doctoral master's degree in clinical  
9 psychopharmacology from a regionally-accredited  
10 institution or equivalent to a post doctoral master's  
11 degree, as approved by the board, including:

12 (A) Study in a program offering intensive didactic  
13 education, and including the following core areas  
14 of instruction: basic life sciences,  
15 neurosciences, clinical and research pharmacology  
16 and psychopharmacology, clinical medicine and  
17 pathophysiology, physical assessment and  
18 laboratory examinations, clinical  
19 pharmacotherapeutics, research, professional,  
20 ethical, and legal issues. The didactic portion  
21 of the education shall consist of an appropriate



1            number of didactic hours to ensure acquisition of  
2            the necessary knowledge and skills to prescribe  
3            in a safe and effective manner; and

4            (B) Clinical experience that includes a supervised  
5            experiential training practicum where the  
6            applicant was actively involved in consultation  
7            with psychiatrists or physicians regarding the  
8            prescribing of psychotropic medications, and  
9            which consists of:

10            (i) At least one clinical year, equivalent to  
11            nineteen hundred hours, including four  
12            hundred direct face-to-face hours treating a  
13            diverse population of no less than one  
14            hundred patients with mental disorders in  
15            inpatient or outpatient settings; and

16            (ii) One hour per week of supervision or one hour  
17            per week of supervision per eight hours of  
18            patient contact by a psychiatrist or  
19            qualified practitioner with demonstrated  
20            skills and experience in clinical



1                    psychopharmacology in accordance with  
2                    prevailing jurisdictional law; and  
3        (3)    The applicant has successfully completed the  
4                    nationally recognized Psychopharmacology Exam for  
5                    Psychologists developed by the American Psychological  
6                    Association's Practice Organization's College of  
7                    Professional Psychology relevant to establish  
8                    competence across the following content areas:  
9                    neuroscience, nervous system pathology, physiology and  
10                    pathophysiology, biopsychosocial and pharmacologic  
11                    assessment and monitoring, differential diagnosis,  
12                    clinical psychopharmacology, research, and integrating  
13                    clinical psychopharmacology with the practice of  
14                    psychology and professional, legal, ethical, and  
15                    interprofessional issues.

16        (b)    The board shall issue a certificate of prescriptive  
17 authority to any applicant who has met all of the requirements  
18 of subsection (a).

19        **§465-        Certificate of prescriptive authority: renewal.**

20        (a)    The board shall implement a method of renewal of a  
21 certificate of prescriptive authority in conjunction with the



1 renewal of a medical psychologist's license to practice  
2 psychology required under section 465-11.

3 (b) To qualify for renewal of a certificate of  
4 prescriptive authority, a medical psychologist shall present  
5 evidence satisfactory to the board that the medical psychologist  
6 has completed at least twenty hours annually of acceptable  
7 continuing education, as determined by the board, relevant to  
8 the pharmacological treatment of mental and emotional disorders.

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

12 **§465- Certificate of prescriptive authority; prescribing**  
13 **practices.** (a) No medical psychologist shall issue a  
14 prescription unless the medical psychologist holds a valid  
15 certificate of prescriptive authority.

16 (b) A prescription issued by a medical psychologist shall:  
17 (1) Comply with applicable state and federal laws;  
18 (2) Clearly identify the issuing psychologist as a medical  
19 psychologist certified to prescribe; and  
20 (3) Include the medical psychologist's identification  
21 number.



1 (c) A medical psychologist holding a valid certificate of  
2 prescriptive authority shall consult and collaborate with the  
3 patient's physician of record to ensure that the medical  
4 psychologist:

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

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

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

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

19 **§465- Drug Enforcement Administration; registration.**

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



1 (b) A medical psychologist shall file with the board the  
2 individual's federal Drug Enforcement Administration  
3 registration number. The registration number shall be filed  
4 before the medical psychologist issues a prescription for a  
5 controlled substance.

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

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

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

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



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

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

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

7 **"§465-3 Exemptions.** (a) This chapter shall not apply to:

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

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





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

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

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

19 (8) Any psychologist employed by the United States  
20 Department of Defense, while engaged in the discharge  
21 of the psychologist's official duty and providing



1 direct telehealth support or services, as defined in  
2 section 431:10A-116.3, to neighbor island  
3 beneficiaries within a Hawaii National Guard armory on  
4 the island of Kauai, Hawaii, Molokai, or Maui;  
5 provided that the psychologist employed by the United  
6 States Department of Defense is credentialed by  
7 Tripler Army Medical Center.

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

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

- 17 (1) Is professionally competent in the practice of  
18 industrial/organizational psychology; [~~and~~]
- 19 (2) Holds a doctoral degree from an accredited institution  
20 of higher education with training and education in



1 industrial/organizational psychology, satisfactory to  
2 the board; and

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

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

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

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

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**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.

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