

A-Engrossed
House Bill 2800

Ordered by the House May 2
Including House Amendments dated May 2

Sponsored by Representatives BARNHART, BUTLER, Senator AVAKIAN; Representatives BOQUIST, GREENLICK, JENSON, G SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes State Board of Psychologist Examiners to [*grant*] **issue certificate of** prescriptive authority to certain licensed psychologists. [*Requires*] **Authorizes** board to adopt standards for psychologists seeking prescriptive authority and to limit drugs that may be prescribed. **Specifies qualifying standards for issuance of prescriptive authority and provides board with sole disciplinary authority over prescribing psychologists.** Authorizes board to charge fee for issuing certificate of prescriptive authority.

Imposes certain requirements on prescribing psychologists who prescribe psychotropic medication.

Establishes Committee on Prescribing Psychologists under jurisdiction State Board of Psychologist Examiners. Specifies membership and duties of committee.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prescriptive authority for licensed psychologists; creating new provisions; amending ORS
3 675.010 and 675.110; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 675.010 is amended to read:

6 675.010. As used in ORS 675.010 to 675.150, unless the context requires otherwise:

7 (1) "Approved doctoral program in psychology" means a doctoral program in psychology ac-
8 credited by the American Psychological Association or a doctoral program in psychology accredited
9 individually or as part of an institutional accreditation by another private or governmental accred-
10 iting agency, when the association's or agency's standards and procedures have been approved by
11 the State Board of Psychologist Examiners by rule.

12 [(2) "*Board*" means the State Board of Psychologist Examiners.]

13 (2) "**Collaboration**" means a process that involves two or more persons working together,
14 each contributing his or her respective area of expertise to provide more comprehensive care
15 than one person alone can provide.

16 (3) "**Distribution**" means the delivery of a drug other than by administering or dispens-
17 ing, such as prepackaged samples.

18 (4) "**Drug**" means an article, other than food:

19 (a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of mental
20 and emotional disorders;

21 (b) Intended to affect the structure or any function of the human body; and

22 (c) Placed on the prescribing psychologist formulary developed by the State Board of

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **Psychologist Examiners as being appropriate for use in the diagnosis and treatment of**
2 **mental and emotional disorders.**

3 **(5) “Impaired psychologist” means a licensed psychologist who is unable to practice psy-**
4 **chology with reasonable skill and safety by reason of:**

5 **(a) Mental illness;**

6 **(b) Physical illness, including, but not limited to, physical deterioration that adversely**
7 **affects cognition, perception or motor skills; or**

8 **(c) Habitual or excessive use or abuse of drugs, alcohol or other substances that impair**
9 **ability.**

10 [(3)] **(6) “Licensed psychologist” means a person licensed to practice psychology under the pro-**
11 **visions of ORS 675.010 to 675.150.**

12 [(4)] **(7) “Practice of psychology” means rendering or offering to render supervision, consulta-**
13 **tion, evaluation or therapy services to individuals, groups or organizations for the purpose of diag-**
14 **nosizing or treating behavioral, emotional or mental disorders. “Practice of psychology” also includes**
15 **delegating the administration and scoring of tests to technicians qualified by and under the direct**
16 **supervision of a licensed psychologist.**

17 **(8) “Prescribe” has the meaning given that term in ORS 677.010.**

18 **(9) “Prescribing psychologist” means a licensed psychologist who has been issued a cer-**
19 **tificate of prescriptive authority.**

20 **(10) “Prescribing psychologist formulary” means the list of drugs and the protocols for**
21 **their usage.**

22 [(5)] **(11) “State” means any state or territory of the United States and the District of Columbia.**

23 **SECTION 2. Sections 3 to 6 of this 2007 Act are added to and made a part of ORS 675.010**
24 **to 675.150.**

25 **SECTION 3. (1) The State Board of Psychologist Examiners may issue a certificate of**
26 **prescriptive authority to a licensed psychologist to prescribe drugs for the diagnosis and**
27 **treatment of mental and emotional disorders.**

28 **(2) A licensed psychologist may prescribe drugs if the licensed psychologist holds a valid**
29 **certificate of prescriptive authority issued by the board under subsection (1) of this section.**

30 **(3) The drugs that the licensed psychologist is authorized to prescribe shall be included**
31 **within the licensed psychologist’s scope of practice as defined by rules of the board.**

32 **(4) A licensed psychologist may apply for a certificate of prescriptive authority if the**
33 **psychologist:**

34 **(a) Has a minimum of two years of post-licensure clinical experience in an inpatient or**
35 **outpatient health care setting that provides some physical health care services;**

36 **(b)(A) Has a master’s degree in clinical psychopharmacology from an institution accred-**
37 **ited by a regional accreditation organization recognized by the United States Department of**
38 **Education. The degree program must include training in physical assessment,**
39 **pathophysiology, psychopharmacology and clinical management sufficient to prepare the ap-**
40 **plicant to safely prescribe for individual patients; or**

41 **(B) Has successfully completed the United States Department of Defense**
42 **Psychopharmacology Demonstration Project or a similar program developed and operated by**
43 **any branch of the Armed Forces of the United States;**

44 **(c) Has completed, in no less than 12 months and no more than 24 months, an integrated,**
45 **supervised clinical experience of at least 250 hours, including differential diagnosis and ap-**

1 **plied pharmacological management of patients congruent with the specialty role sought;**

2 **(d) Has treated patients with mental or emotional disorders under the supervision of a**
3 **licensed physician or nurse practitioner who is knowledgeable in the administration of**
4 **psychotropic medications and who has completed the board's approved supervisory training;**
5 **and**

6 **(e) Has passed a national certification examination in psychopharmacology as specified**
7 **by the board by rule.**

8 **(5) The licensed physician or nurse practitioner providing supervision under subsection**
9 **(4) of this section shall provide evidence to the board that the licensed psychologist has:**

10 **(a) Completed the supervised clinical experience; and**

11 **(b) Demonstrated competency in the following areas:**

12 **(A) Physical examination and mental status evaluation, medical history interview and**
13 **documentation and assessment; and**

14 **(B) Indications and interpretation, differential diagnosis, integrated treatment planning,**
15 **consultation and collaboration and treatment management.**

16 **(6) The board by rule shall establish competency standards that a prescribing psychol-**
17 **ogist must meet to maintain the certificate of prescriptive authority. The standards shall**
18 **require that the prescribing psychologist:**

19 **(a) Complete not less than 50 hours of continuing education in psychopharmacology every**
20 **two years, in addition to those continuing education credits required of all psychologists by**
21 **the State Board of Psychologist Examiners; and**

22 **(b) Maintain a written consultation agreement with an experienced mental health pro-**
23 **fessional with prescriptive authority for a minimum of two years following the supervised**
24 **clinical experience described in this section.**

25 **(7) When a licensed psychologist submits an application to the State Board of Psychol-**
26 **ogist Examiners for a certificate of prescriptive authority, the board shall immediately notify**
27 **the State Board of Pharmacy upon receipt of the application and again upon approval of the**
28 **application.**

29 **(8) After a licensed psychologist provides evidence satisfactory to the State Board of**
30 **Psychologist Examiners of having met the competency standards and qualifications estab-**
31 **lished under this section and has paid any required fees, the board shall issue a certificate**
32 **of prescriptive authority to the licensed psychologist.**

33 **SECTION 4. (1) The State Board of Psychologist Examiners has sole disciplinary author-**
34 **ity over prescribing psychologists.**

35 **(2) A certificate of prescriptive authority may be denied, suspended or revoked by the**
36 **board upon proof that the authority has been abused. The procedure is a contested case un-**
37 **der ORS chapter 183. Disciplinary action under this subsection is grounds for discipline of**
38 **the prescribing psychologist in the same manner as a licensee may be disciplined under ORS**
39 **675.070 and 675.085.**

40 **(3) The board shall develop a standardized disciplinary procedure for any prescribing**
41 **psychologist who is deemed by the board to be an impaired psychologist.**

42 **SECTION 5. (1) There is established a Committee on Prescribing Psychologists under the**
43 **jurisdiction of the State Board of Psychologist Examiners.**

44 **(2) The committee shall consist of seven members appointed as follows:**

45 **(a) The State Board of Psychologist Examiners shall appoint:**

1 (A) One member who is a psychologist trained in clinical psychopharmacology;

2 (B) One member who is a clinical psychologist practicing in a health care setting;

3 (C) One member who is a physician experienced in treating children who have mental or
4 emotional disorders; and

5 (D) One member to act as a liaison to the board.

6 (b) The Board of Medical Examiners for the State of Oregon shall appoint:

7 (A) One member who is a primary care physician; and

8 (B) One member who is a psychiatrist on the faculty of Oregon Health and Science Uni-
9 versity.

10 (c) The State Board of Pharmacy shall appoint one member who is a pharmacist licensed
11 by the State Board of Pharmacy or who has an advanced degree in pharmacology or
12 pharmacognosy.

13 (3) The committee shall oversee the certification of prescribing psychologists including:

14 (a) Curriculum review;

15 (b) Development of the prescribing psychologist formulary with annual formulary re-
16 visions;

17 (c) Disciplinary processes; and

18 (d) Continuing education and approval processes for all psychologists seeking or holding
19 a certificate of prescriptive authority.

20 (4) The committee may consult with members of other professions, as needed, for as-
21 sistance in areas outside the expertise of the committee.

22 (5) The committee shall provide a biennial report to the Legislative Assembly on the
23 number of prescribing psychologists in Oregon, the number of prescriptions written by pre-
24 scribing psychologists and the general operation of this section and sections 3 and 4 of this
25 2007 Act, including whether there is a need for the committee or the committee's functions
26 to be merged with the State Board of Psychologist Examiners.

27 **SECTION 6.** (1) The State Board of Psychologist Examiners shall adopt rules requiring
28 a prescribing psychologist who prescribes psychotropic medication for a patient:

29 (a) To keep records of prescriptions and distribution of drugs by the prescribing psy-
30 chologist that are the same as the records required of pharmacies licensed under ORS
31 chapter 689; and

32 (b) To maintain an ongoing collaboration with the health care professional who oversees
33 a patient's medical care to ensure that:

34 (A) Necessary medical examinations are conducted;

35 (B) The prescribed psychotropic medication is appropriate for the patient's medical con-
36 dition; and

37 (C) The prescribing psychologist and the health care professional discuss, in a timely
38 manner, any significant changes in the patient's medical or psychological condition.

39 (2) All collaboration under subsection (1) of this section shall be documented, by each
40 provider, in the clinical records of the patient.

41 (3) A prescribing psychologist who prescribes psychotropic medication for a child must:

42 (a) Consult with a child psychiatrist prior to the initial prescription;

43 (b) Continue consultations with the child psychiatrist during treatment of the child to
44 monitor for any changes in the child's condition; and

45 (c) Document each consultation in the clinical records of the child.

1 (4) As used in this section, “child” means a child under 15 years of age.

2 **SECTION 7.** ORS 675.110 is amended to read:

3 675.110. The State Board of Psychologist Examiners shall have the following powers, in addition
4 to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary
5 or proper to carry the granted powers into effect:

6 (1) To determine qualifications of applicants to practice psychology in this state; to cause to
7 have examinations prepared, conducted and graded and to grant licensing to qualified applicants
8 upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules of the board.

9 (2) To grant or deny renewal of licenses, and to renew licenses which have lapsed for nonpay-
10 ment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

11 (3) To suspend or revoke licenses, subject to ORS 675.010 to 675.150.

12 (4) To issue letters of reprimand, to impose probationary periods with the authority to restrict
13 the scope of practice of a licensed psychologist or to require practice under supervision.

14 (5) To impose civil penalties not to exceed \$1,000.

15 (6) To restore licenses which have been suspended or revoked or voided by nonpayment of the
16 renewal fee.

17 (7)(a) To collect fees for application, examination and licensing of applicants, for renewal of li-
18 censes, and for issuance of limited permits **and certificates of prescriptive authority**, such fees
19 to be used to defray the expenses of the board as provided in ORS 675.140.

20 (b) The board may collect a delinquent renewal fee for licenses renewed after the deadline for
21 renewal but before the grace period for renewal has expired.

22 (8) To investigate alleged violations of ORS 675.010 to 675.150.

23 (9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or af-
24 firmations to witnesses, conduct hearings, require the production of relevant documents in all pro-
25 ceedings pertaining to the duties and powers of the board.

26 (10) To enforce ORS 675.010 to 675.150 and to exercise general supervision over the practice of
27 psychology in this state.

28 (11) To adopt a common seal.

29 (12) To formulate a code of professional conduct for the practice of psychology giving particular
30 consideration to the Ethical Standards of Psychologists promulgated by the American Psychological
31 Association.

32 (13) To establish standards of service and training and educational qualifications for the ren-
33 dering of ethical psychological services in this state, including the formulation of standards for the
34 issuance of licenses for areas of special competence.

35 (14) To formulate and enforce continuing education requirements for duly licensed psychologists
36 to insure the highest quality of professional services to the public.

37 (15) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the
38 renewal fee, unless prior to payment of the renewal fee described in subsection (7) of this section
39 the applicant completes, or provides documentation of previous completion of:

40 (a) A pain management education program approved by the board and developed in conjunction
41 with the Pain Management Commission established under ORS 409.500; or

42 (b) An equivalent pain management education program, as determined by the board.

43 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
44 181.534, to require the fingerprints of a person who is:

45 (a) Applying for a license that is issued by the board;

1 (b) Applying for renewal of a license that is issued by the board; or

2 (c) Under investigation by the board.

3 (17) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to carry
4 out the provisions of ORS 675.010 to 675.150.

5 **SECTION 8. The State Board of Psychologist Examiners shall adopt rules to allow li-**
6 **censed psychologists who have successfully completed the didactic portion of a degree prior**
7 **to the effective date of this 2007 Act to complete the supervised clinical experience require-**
8 **ment after the effective date of this 2007 Act.**

9 **SECTION 9. Sections 3, 4 and 6 of this 2007 Act and the amendments to ORS 675.010 and**
10 **675.110 by sections 1 and 7 of this 2007 Act become operative on July 1, 2008.**

11 **SECTION 10. This 2007 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
13 **on its passage.**

14