

House Bill 2800

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 **as introduced**.

Authorizes State Board of Psychologist Examiners to grant prescriptive authority to certain licensed psychologists. Requires board to adopt standards for psychologists seeking prescriptive authority and to limit drugs that may be prescribed. Authorizes board to charge fee for issuing certificate of prescriptive authority.

A BILL FOR AN ACT

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

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 (3) **"Drug" means a controlled substance, as classified in Schedules I to V of section 202**
14 **of the Controlled Substances Act, 21 U.S.C. 812, as modified under ORS 475.035 and approved**
15 **by the State Board of Psychologist Examiners as being appropriate for use in the diagnosis**
16 **and treatment of mental and emotional disorders.**

17 [(3)] (4) "Licensed psychologist" means a person licensed to practice psychology under the pro-
18 visions of ORS 675.010 to 675.150.

19 (5) **"Prescribing psychologist" means a licensed psychologist who has been granted a**
20 **certificate of prescriptive authority under section 3 of this 2007 Act.**

21 [(4)] (6) "Practice of psychology" means rendering or offering to render supervision, consulta-
22 tion, evaluation or therapy services to individuals, groups or organizations for the purpose of diag-
23 nosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes
24 delegating the administration and scoring of tests to technicians qualified by and under the direct
25 supervision of a licensed psychologist.

26 [(5)] (7) "State" means any state or territory of the United States and the District of Columbia.

27 **SECTION 2. Sections 3 and 4 of this 2007 Act are added to and made a part of ORS 675.010**
28 **to 675.150.**

29 **SECTION 3. (1) The State Board of Psychologist Examiners may grant to a licensed**
30 **psychologist the privilege of prescribing and dispensing drugs used for the diagnosis and**

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 treatment of mental and nervous disorders.

2 (2) A licensed psychologist is authorized to prescribe and dispense drugs for the use of
 3 and administration to other persons if the licensed psychologist holds a valid certificate of
 4 prescriptive authority issued under this section.

5 (3) The board shall adopt by rule competency standards that must be met by a licensed
 6 psychologist to obtain a certificate of prescriptive authority.

7 (4) The standards adopted by the board under subsection (3) of this section shall include,
 8 but are not limited to:

9 (a) Obtaining a post-doctoral master's degree in clinical psychopharmacology from an
 10 institution accredited by a regional accreditation organization recognized by the United
 11 States Department of Education or successful completion of the United States Department
 12 of Defense Psychopharmacology Demonstration Project or a similar program developed and
 13 operated by any branch of the Armed Forces of the United States;

14 (b) Completion of a supervised clinical practicum of at least one year treating patients
 15 with mental disorders under the supervision of a licensed physician or nurse practitioner
 16 who is knowledgeable in the administration of psychotropic medications; and

17 (c) Passing a national certification examination in psychopharmacology as specified by
 18 the board by rule.

19 (5) A licensed psychologist may submit an application to the board for prescriptive au-
 20 thority. The board shall provide immediate notice to the State Board of Pharmacy upon re-
 21 ceipt and upon approval of an application from a licensed psychologist for prescriptive
 22 authority to prescribe and to dispense prescription drugs to the patients of the applicant.

23 (6) After an applicant provides evidence satisfactory to the board of having met the
 24 competency standards established under this section and has paid any required fees, the
 25 board shall issue a certificate of prescriptive authority to the qualified applicant.

26 (7) The State Board of Psychologist Examiners has sole disciplinary authority regarding
 27 prescribing psychologists who hold certificates of prescriptive authority.

28 (8) The privilege of writing prescriptions and dispensing drugs may be denied, suspended
 29 or revoked by the State Board of Psychologist Examiners upon proof that the privilege has
 30 been abused. The procedure is a contested case under ORS chapter 183. Disciplinary action
 31 under this subsection is grounds for discipline of the prescribing psychologist in the same
 32 manner as a licensee may be disciplined under ORS 675.070 and 675.085.

33 **SECTION 4.** The State Board of Psychologist Examiners shall adopt rules:

34 (1) Requiring that drugs dispensed by a prescribing psychologist be either prepackaged
 35 by a manufacturer registered with the State Board of Pharmacy or repackaged by a
 36 pharmacist licensed by the State Board of Pharmacy under ORS chapter 689;

37 (2) Establishing labeling requirements for drugs dispensed by a prescribing psychologist
 38 that are the same as labeling requirements required of pharmacies licensed under ORS
 39 chapter 689;

40 (3) Imposing record keeping requirements for prescriptions and drug dispensing by a
 41 prescribing psychologist that are the same as the record keeping requirements required of
 42 pharmacies licensed under ORS chapter 689;

43 (4) Requiring a prescribing psychologist who dispenses drugs to allow representatives of
 44 the State Board of Pharmacy, upon receipt of a complaint, to inspect a dispensing site after
 45 prior notice to the State Board of Psychologist Examiners;

1 **(5) Identifying drugs that the State Board of Psychologist Examiners has found to be**
 2 **appropriate for use in the diagnosis and treatment of mental and emotional disorders; and**

3 **(6) Requiring a prescribing psychologist who prescribes psychotropic medication for a**
 4 **patient to maintain an ongoing collaborative relationship with the health care professional**
 5 **who oversees the patient’s medical care to ensure that necessary medical examinations are**
 6 **conducted, that the prescribed psychotropic medication is appropriate for the patient’s**
 7 **medical condition and that any significant changes in the patient’s medical or psychological**
 8 **condition are discussed.**

9 **SECTION 5.** ORS 675.110 is amended to read:

10 675.110. The State Board of Psychologist Examiners shall have the following powers, in addition
 11 to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary
 12 or proper to carry the granted powers into effect:

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

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

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

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

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

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

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

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

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

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

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

35 (11) To adopt a common seal.

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

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

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

44 (15) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the
 45 renewal fee, unless prior to payment of the renewal fee described in subsection (7) of this section

- 1 the applicant completes, or provides documentation of previous completion of:
- 2 (a) A pain management education program approved by the board and developed in conjunction
- 3 with the Pain Management Commission established under ORS 409.500; or
- 4 (b) An equivalent pain management education program, as determined by the board.
- 5 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
- 6 181.534, to require the fingerprints of a person who is:
- 7 (a) Applying for a license that is issued by the board;
- 8 (b) Applying for renewal of a license that is issued by the board; or
- 9 (c) Under investigation by the board.
- 10 (17) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to carry
- 11 out the provisions of ORS 675.010 to 675.150.
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