

House Bill 2702

Sponsored by Representatives GREENLICK, KOTEK, Senator BATES; Representatives BARNHART, GARRARD, JENSON, KENNEMER, MAURER, SCHAUFLE, G SMITH, WHISNANT, Senators BOQUIST, NELSON

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 issue certificate of prescriptive authority to certain licensed psychologists. Authorizes board to adopt standards for licensed 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 medications.

Establishes Committee on Prescribing Psychologists under jurisdiction of board. 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 **accrediting association**
10 or governmental accrediting agency, when the association's or agency's standards and procedures
11 have been approved by 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 that person's respective area of expertise to provide more comprehensive
15 care 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 delivery of prepackaged samples of a drug.

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; and**

21 (b) **Intended to affect a structure or function of the human body.**

22 [(3)] (5) "Licensed psychologist" means a person licensed to practice psychology under the pro-
23 visions of ORS 675.010 to 675.150.

24 [(4)] (6) "Practice of psychology" means rendering or offering to render supervision, consulta-
25 tion, evaluation or therapy services to individuals, groups or organizations for the purpose of diag-

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 nosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes
 2 delegating the administration and scoring of tests to technicians qualified by and under the direct
 3 supervision of a licensed psychologist.

4 **(7) "Prescribe" has the meaning given that term in ORS 677.010.**

5 **(8) "Prescribing psychologist" means a licensed psychologist who has been issued a cer-**
 6 **tificate of prescriptive authority.**

7 **(9) "Prescribing psychologist formulary" means the list of drugs and the protocols for**
 8 **their use adopted by the State Board of Psychologist Examiners by rule pursuant to ORS**
 9 **675.110.**

10 [(5)] **(10) "State" means any state or territory of the United States and the District of Columbia.**

11 **SECTION 2. Sections 3 to 6 of this 2009 Act are added to and made a part of ORS 675.010**
 12 **to 675.150.**

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

16 **(2) A prescribing psychologist may prescribe drugs listed on the prescribing psychologist**
 17 **formulary.**

18 **(3) The board shall define and determine the drugs on the prescribing psychologist**
 19 **formulary.**

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

22 **(a) Has a minimum of two years of post-licensure clinical experience in an inpatient or**
 23 **outpatient health care setting that provides any level of physical health care services;**

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

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

32 **(c) Has completed, in no less than 12 months and no more than 24 months, an integrated,**
 33 **supervised clinical experience of at least 250 hours, including differential diagnosis and ap-**
 34 **plied pharmacological management of patients congruent with the specialty role sought;**

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

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

41 **(5) A minimum of 20 percent of the clinical experience required under subsection (4)(a)**
 42 **or (c) of this section must have been accumulated:**

43 **(a) In each of the following:**

44 **(A) A primary care setting as defined by the board by rule; and**

45 **(B) A public health setting as defined by the board by rule; or**

1 **(b) In a setting that is both a primary care setting and a public health setting as defined**
2 **by the board by rule.**

3 **(6) A licensed physician or nurse practitioner providing the supervision required under**
4 **subsection (4)(c) of this section shall provide evidence to the board that the licensed psy-**
5 **chologist has:**

6 **(a) Completed the integrated, supervised clinical experience; and**

7 **(b) Demonstrated competency in:**

8 **(A) Physical examination, mental status evaluation, medical history interview and doc-**
9 **umentation and assessment; and**

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

12 **(7) The State Board of Psychologist Examiners shall immediately notify the State Board**
13 **of Pharmacy of:**

14 **(a) Receipt of an application for a certificate of prescriptive authority; and**

15 **(b) Approval of an application for a certificate of prescriptive authority.**

16 **(8) The State Board of Psychologist Examiners shall issue a certificate of prescriptive**
17 **authority to a licensed psychologist who has provided evidence satisfactory to the board of**
18 **having met the education requirements, competency standards and qualifications required**
19 **under this section and who has paid all of the fees required under ORS 675.110 or by the**
20 **board by rule.**

21 **(9) The State Board of Psychologist Examiners shall adopt rules establishing competency**
22 **standards that a prescribing psychologist must meet to maintain a certificate of prescriptive**
23 **authority. The standards must require that the prescribing psychologist:**

24 **(a) Complete not less than 50 hours of continuing education in psychopharmacology every**
25 **two years, in addition to those continuing education credits required of all licensed psychol-**
26 **ogists by the board; and**

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

30 **(10) The State Board of Psychologist Examiners shall provide a report biennially, by**
31 **January 31 of each odd-numbered year, to the Legislative Assembly on:**

32 **(a) The number of prescribing psychologists in this state;**

33 **(b) The number of prescriptions written by prescribing psychologists; and**

34 **(c) The board's progress in implementing this section and sections 4 and 5 of this 2009**
35 **Act, including a recommendation as to whether the Committee on Prescribing Psychologists**
36 **established under section 5 of this 2009 Act should continue to exist or have its functions**
37 **transferred to the State Board of Psychologist Examiners.**

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

40 **(2) In the manner prescribed by ORS chapter 183 for contested cases, the board may**
41 **deny, suspend or revoke a certificate of prescriptive authority upon proof of a prescribing**
42 **psychologist's inappropriate use of prescriptive authority. Disciplinary action under this**
43 **subsection is grounds for discipline of the prescribing psychologist in the same manner as a**
44 **licensed psychologist may be disciplined under ORS 675.070 and 675.085.**

45 **(3) Any prescribing psychologist who is deemed by the board to be unfit to practice may**

1 be disciplined under ORS 675.070 and 675.085.

2 **SECTION 5.** (1) There is established a Committee on Prescribing Psychologists under the
3 jurisdiction of the State Board of Psychologist Examiners. The term of office for each
4 member is three years, but each member serves at the pleasure of the appointing authority.
5 Before the expiration of the term of a member, the appointing authority shall appoint a
6 successor whose term begins on July 1 next following. A member is eligible for reappoint-
7 ment. If there is a vacancy for any cause, the appointing authority shall make an appoint-
8 ment to become immediately effective for the unexpired term.

9 (2) The committee consists of seven members appointed as follows:

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

11 (A) One person who is a licensed psychologist trained in clinical psychopharmacology;

12 (B) One person who is a licensed clinical psychologist practicing in a health care setting;

13 and

14 (C) One person who shall act as a liaison to the State Board of Psychologist Examiners.

15 (b) The Oregon Medical Board shall appoint:

16 (A) One person who is a primary care physician;

17 (B) One person who is a psychiatrist on the faculty of Oregon Health and Science Uni-
18 versity; and

19 (C) One person who is a physician experienced in treating children who have mental or
20 emotional disorders.

21 (c) The State Board of Pharmacy shall appoint one person who is a pharmacist licensed
22 by the State Board of Pharmacy or who has an advanced degree in pharmacology or
23 pharmacognosy.

24 (3) The committee shall make recommendations to the State Board of Psychologist Ex-
25 aminers regarding the certification of prescribing psychologists, including recommendations
26 on:

27 (a) Curriculum review;

28 (b) Development of the prescribing psychologist formulary and annual formulary re-
29 visions; and

30 (c) Continuing education and approval processes for all licensed psychologists seeking or
31 holding a certificate of prescriptive authority.

32 (4) The committee may consult with persons engaged in other professions, as needed, for
33 assistance in areas outside the expertise of the committee.

34 **SECTION 6.** Notwithstanding the term of office specified by section 5 of this 2009 Act,
35 the members first appointed to the Committee on Prescribing Psychologists shall determine
36 by lot at the first meeting of the committee the initial terms of office for committee mem-
37 bers as follows:

38 (1) Two shall serve for terms ending June 30, 2010.

39 (2) Two shall serve for terms ending June 30, 2011.

40 (3) Three shall serve for terms ending June 30, 2012.

41 **SECTION 7.** (1) The State Board of Psychologist Examiners shall adopt rules requiring
42 a prescribing psychologist:

43 (a) To keep records of prescriptions authorized and drugs distributed by the prescribing
44 psychologist in the manner required for records kept by pharmacies licensed under ORS
45 chapter 689;

1 (b) To provide a report biennially, by October 1 of each even-numbered year, to the board
2 detailing the number and types of drugs prescribed by the prescribing psychologist; and

3 (c) To maintain an ongoing collaboration with the health care professional who oversees
4 a patient's medical care to ensure that:

5 (A) Necessary medical examinations are conducted;

6 (B) The prescribed drug is appropriate for the patient's medical condition; and

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

9 (2) The prescribing psychologist and the health care professional shall each document the
10 collaboration under subsection (1) of this section in the clinical records of the patient.

11 (3) A prescribing psychologist who prescribes a drug for a child shall:

12 (a) Consult with a psychiatrist who is certified, or eligible to be certified, by the Oregon
13 Medical Board in child psychiatry prior to the initial prescription;

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

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

17 (4) As used in this section, "child" means a person under 15 years of age.

18 **SECTION 8.** ORS 675.110 is amended to read:

19 675.110. The State Board of Psychologist Examiners shall have the following powers, in addition
20 to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary
21 or proper to carry the granted powers into effect:

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

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

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

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

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

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

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

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

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

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

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

44 (11) To adopt a common seal.

45 (12) To formulate a code of professional conduct for the practice of psychology giving particular

1 consideration to the Ethical Standards of Psychologists promulgated by the American Psychological
2 Association.

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

6 (14) To formulate and enforce continuing education requirements for duly licensed psychologists
7 to ensure the highest quality of professional services to the public.

8 (15) To deny renewal of a license, or renewal of a license that has lapsed for nonpayment of the
9 renewal fee, unless the applicant completes, or provides documentation of previous completion of:

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

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

13 (16) For the purpose of requesting a state or nationwide criminal records check under ORS
14 181.534, to require the fingerprints of a person who is:

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

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

17 (c) Under investigation by the board.

18 **(17) To define and determine the drugs that a prescribing psychologist may prescribe and**
19 **to adopt the prescribing psychologist formulary.**

20 ~~[(17)]~~ (18) Subject to the applicable provisions of ORS chapter 183, to adopt reasonable rules to
21 carry out the provisions of ORS 675.010 to 675.150.

22 **SECTION 9. The State Board of Psychologist Examiners shall adopt rules to allow li-**
23 **icensed psychologists who have successfully completed the didactic requirements of a degree**
24 **prior to the effective date of this 2009 Act to complete the integrated, supervised clinical**
25 **experience requirement after the effective date of this 2009 Act.**

26 **SECTION 10. Sections 3, 4 and 7 of this 2009 Act and the amendments to ORS 675.110 by**
27 **section 8 of this 2009 Act become operative on January 1, 2010.**

28 **SECTION 11. The State Board of Psychologist Examiners may take any action before the**
29 **operative date specified in section 10 of this 2009 Act that is necessary for the board to ex-**
30 **ercise, on and after the operative date specified in section 10 of this 2009 Act, all of the du-**
31 **ties, functions and powers conferred on the board by sections 3, 4 and 7 and the amendments**
32 **to ORS 675.110 by section 8 of this 2009 Act.**

33 **SECTION 12. This 2009 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
35 **on its passage.**

36