

House Bill 3662

Sponsored by COMMITTEE ON HEALTH CARE

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**.

Establishes Committee on Prescribing Psychologists and authorizes committee to issue certificate of prescriptive authority to certain licensed psychologists, limit drugs that may be prescribed and make recommendations to State Board of Psychologist Examiners.

Specifies requirements for certificate of prescriptive authority.

Directs board to establish standards and continuing education requirements for prescribing psychologists.

Imposes certain requirements on psychologists who prescribe drugs for children.

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

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

2 (8) "Prescribing psychologist" means a licensed psychologist who has been issued a cer-
3 tificate of prescriptive authority by the Committee on Prescribing Psychologists under sec-
4 tion 4 of this 2010 Act.

5 (9) "Prescribing psychologist formulary" means the list of drugs and the protocols for
6 their use adopted by the Committee on Prescribing Psychologists under section 3 of this 2010
7 Act.

8 [(5)] (10) "State" means any state or territory of the United States and the District of Columbia.

9 **SECTION 2.** Sections 3 to 7 of this 2010 Act are added to and made a part of ORS 675.010
10 to 675.150.

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

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

19 (a) The State Board of Psychologist Examiners shall appoint two psychologists, one of
20 whom shall be appointed as a liaison to the board. Each psychologist member must:

21 (A) Have a master's degree in clinical psychopharmacology from an institution accredited
22 by a regional accreditation organization; or

23 (B) Have completed the United States Department of Defense Psychopharmacology
24 Demonstration Project.

25 (b) The Oregon Medical Board, with the concurrence of the State Board of Psychologist
26 Examiners, shall appoint:

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

28 (B) Two persons who are psychiatrists, one of whom is a psychiatrist on the faculty of
29 the Oregon Health and Science University; and

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

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

35 (3) The committee shall:

36 (a) Develop and establish the prescribing psychologist formulary and annual formulary
37 revisions; and

38 (b) Evaluate and develop recommendations regarding:

39 (A) Requirements for supervised clinical training for prescribing psychologists;

40 (B) Requirements for the education and training of prescribing psychologists treating
41 special populations; and

42 (C) Continuing education for prescribing psychologists.

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

45 **SECTION 4.** (1) The Committee on Prescribing Psychologists may issue a certificate of

1 prescriptive authority to a licensed psychologist that authorizes the psychologist to prescribe
2 drugs for the diagnosis and treatment of mental and emotional disorders.

3 (2) A prescribing psychologist may prescribe drugs listed on the prescribing psychologist
4 formulary established by the committee under section 3 of this 2010 Act.

5 (3) A licensed psychologist may apply for a certificate of prescriptive authority if the
6 psychologist:

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

9 (b)(A) Has a master's degree in clinical psychopharmacology:

10 (i) From a program that includes training in physical assessment, pathophysiology,
11 psychopharmacology and clinical management sufficient to prepare the applicant to safely
12 prescribe drugs for individual patients; and

13 (ii) From an institution accredited by a regional accreditation organization recognized by
14 the United States Department of Education; or

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

18 (c) Has passed a national certification examination in psychopharmacology as specified
19 by the committee by rule.

20 (4) A minimum of 20 percent of the clinical experience required under subsection (3)(a)
21 of this section must have been accumulated:

22 (a) In each of the following:

23 (A) A primary care setting as defined by the committee by rule; and

24 (B) A public health setting as defined by the committee by rule; or

25 (b) In a setting that is both a primary care setting and a public health setting as defined
26 by the committee by rule.

27 (5) The committee shall immediately notify the State Board of Pharmacy of:

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

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

30 (6) The committee shall issue a certificate of prescriptive authority to a licensed psy-
31 chologist who has provided evidence satisfactory to the committee of having met the educa-
32 tion requirements, competency standards and qualifications required under this section and
33 who has paid all of the fees required by the committee by rule.

34 **SECTION 5.** (1) In the manner prescribed by ORS chapter 183 for contested cases, the
35 Committee on Prescribing Psychologists may deny, suspend or revoke a certificate of
36 prescriptive authority upon proof of a prescribing psychologist's inappropriate use of
37 prescriptive authority.

38 (2) Disciplinary action by the committee under subsection (1) of this section is grounds
39 for discipline of the prescribing psychologist by the State Board of Psychologist Examiners
40 under ORS 675.070 and 675.085.

41 **SECTION 6.** (1) The State Board of Psychologist Examiners, in consultation with the
42 Committee on Prescribing Psychologists established under section 3 of this 2010 Act, shall
43 adopt rules establishing competency standards that a prescribing psychologist must meet to
44 maintain a certificate of prescriptive authority. The standards must require that the pre-
45 scribing psychologist:

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

4 (b) Maintain a written consultation agreement with an experienced mental health pro-
5 fessional with prescriptive authority for a minimum of two years following the clinical ex-
6 perience described in section 4 of this 2010 Act.

7 (2) The board shall provide a report biennially, by January 31 of each odd-numbered year,
8 to the Legislative Assembly on:

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

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

11 (c) The progress of the board and the committee in implementing sections 3 to 7 of this
12 2010 Act.

13 **SECTION 7.** (1) The State Board of Psychologist Examiners, in consultation with the
14 Committee on Prescribing Psychologists established under section 3 of this 2010 Act, shall
15 adopt rules requiring a prescribing psychologist:

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

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

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

23 (A) Necessary medical examinations are conducted;

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

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

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

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

30 (a) Consult with a psychiatrist who is certified, or eligible to be certified, by a national
31 accrediting board in child psychiatry before issuing the initial prescription and before making
32 any changes to the prescription;

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

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

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

37 **SECTION 8.** Notwithstanding the term of office specified by section 3 of this 2010 Act,
38 the members first appointed to the Committee on Prescribing Psychologists shall determine
39 by lot at the first meeting of the committee the initial terms of office for committee mem-
40 bers as follows:

41 (1) Two shall serve for terms ending June 30, 2011.

42 (2) Two shall serve for terms ending June 30, 2012.

43 (3) Three shall serve for terms ending June 30, 2013.

44 **SECTION 9.** The Committee on Prescribing Psychologists shall adopt rules to allow li-
45 censed psychologists who have successfully completed the didactic requirements of a post-

1 **doctoral master's degree in clinical psychopharmacology prior to the effective date of this**
2 **2010 Act to complete the clinical experience requirement after the effective date of this 2010**
3 **Act.**

4 **SECTION 10. The State Board of Psychologist Examiners and the Committee on Pre-**
5 **scribing Psychologists may accept gifts, grants or contributions from any public or private**
6 **source for the purpose of carrying out sections 3 to 7 of this 2010 Act.**

7 **SECTION 11. The Committee on Prescribing Psychologists shall report to the Legislative**
8 **Assembly or an interim committee of the Legislative Assembly related to the practice of**
9 **psychology by January 31, 2012, the committee's evaluation and recommendations on the**
10 **topics listed in section 3 (3) of this 2010 Act.**

11 **SECTION 12. Sections 4, 5, 6 and 7 of this 2010 Act become operative on June 30, 2012.**

12 **SECTION 13. (1) The State Board of Psychologist Examiners may take any action before**
13 **the operative date specified in section 12 of this 2010 Act that is necessary for the board to**
14 **exercise, on and after the operative date specified in section 12 of this 2010 Act, all of the**
15 **duties, functions and powers conferred on the board by sections 6 and 7 of this 2010 Act.**

16 **(2) The Committee on Prescribing Psychologists may take any action before the operative**
17 **date specified in section 12 of this 2010 Act that is necessary for the committee to exercise,**
18 **on and after the operative date specified in section 12 of this 2010 Act, all of the duties,**
19 **functions and powers conferred on the committee by sections 4 and 5 of this 2010 Act.**

20 **SECTION 14. This 2010 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
22 **on its passage.**