

## Legislative Fiscal Office

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## Joint Committee on Ways and Means

Sen. Richard Devlin, Senate Co-Chair  
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Sen. Jackie Winters, Senate Co-Vice Chair  
Rep. Dan Rayfield, House Co-Vice Chair  
Rep. Greg Smith, House Co-Vice Chair

**To:** Education Subcommittee

**From:** Kim To, Legislative Fiscal Office

**Date:** Wednesday, June 14, 2017

**Subject:** HB 3355 Relating to Prescribing psychologists  
Work Session Recommendations

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House Bill HB 3355 authorizes the Board of Psychologist Examiners to issue either full or conditional certificates authorizing licensed psychologists with certain experience and education to prescribe drugs, excluding opiate-based narcotics, that are used in mental health treatment. A certificate of prescriptive authority must be renewed every two years. Psychologists holding a conditional certificate of prescribing authority may only prescribe a drug if a licensed prescribing physician approves the prescription in writing.

The bill establishes the nine-member Committee on Prescribing Psychologists within the Board of Psychologist Examiners to advise the Board of Psychologist Examiners on the psychologist prescriptive authority certificate program. Members serve a three-year term at the pleasure of the appointing authority. The Committee is charged with: (1) reviewing and making recommendations to the Board of Psychologist Examiners regarding applications submitted for certificates of prescriptive authority, as well as clinical residency programs proposed by applicants; (2) developing the formulary and making recommendations for annual revisions; (3) reporting to the Board of Psychologist Examiners regarding the use of prescriptive authority by prescribing psychologists; and (4) recommending disciplinary action when complaints about a prescribing psychologist is received.

The measure previously had hearings in the House Committee on Health Care on 4/5/2017, 4/14/2017, and 4/27/2017.

Passage of this bill is anticipated to have a fiscal impact on the Board of Psychologist Examiners. The Board is required to provide staffing support to the Committee on Prescribing Psychologists, including reimbursing Committee members for expenses. The Board will also be responsible for issuing certificates, as well as enforcing compliance and addressing complaints. Startup costs for the program is estimated at \$55,762 Other Funds, 1 limited duration position, 0.25 FTE. This amount includes personal services for an Operations and Policy Analyst 3 position for 6 months to work with existing staff to develop the certificate program, including drafting rules, creating forms, establishing the process

for collecting applications. The Board also requested additional services and supplies resources and a permanent, half-time Administrative Specialist 1 position for ongoing staff support. However, LFO recommends that the Board return to the Legislature once recommendations for the formulary and education standards are adopted, the fee schedule is established, and program parameters are more defined with a more accurate request for additional expenditure limitation and position authority.

### **Recommended Changes**

#### **A10 amendment**

The -A10 amendment specifies that the Committee on Prescribing Psychologists must meet at least once each quarter, unless the Committee has no business to conduct. Allows the Board of Psychologist Examiners to consult and disclose investigatory information to the Committee on Prescribing Psychologists. Clarifies that equivalent residency programs in another state are eligible for consideration when applying for prescriptive authority. The amendment also changes the operative date of the bill from January 1, 2018 to July 1, 2018.

#### **A11 amendment**

The -A11 amendment removes the United States Department of Defense Psychopharmacology Demonstration Project or a similar program developed and operated by any branch of the Armed Forces of the United States as one of the qualifiers for applying for a conditional certificate of prescriptive authority.

#### **A13 amendment**

The original bill mandates that psychologists holding a conditional certificate of prescribing authority may only prescribe a drug if a licensed prescribing physician approves the prescription in writing. The -A13 amendment adds prescribing nurse practitioners to the list of professionals, along with prescribing physicians, who can approve prescriptions and enter into collaborative agreements with psychologists seeking prescribing authority. The -A13 replaces the pharmacist member on the Committee on Prescribing Psychologists with a prescribing nurse practitioner, and modifies the rotating terms of the board members.

#### **A16 amendment**

The -A16 amendment adds a \$55,762 Other Funds limitation for the Board of Psychologist Examiners to fund startup costs for developing the certificate program and providing staff support to the Committee on Prescribing Psychologists.

LFO recommends adoption of the -A10 amendment.

MOTION: I move adoption of the -A10 amendment to HB 3355. (VOTE)

LFO recommends adoption of the -A11 amendment.

MOTION: I move adoption of the -A11 amendment to HB 3355. (VOTE)

LFO recommends adoption of the -A13 amendment.

MOTION: I move adoption of the -A13 amendment to HB 3355. (VOTE)

LFO recommends adoption of the -A16 amendment.

MOTION: I move adoption of the -A16 amendment to HB 3355. (VOTE)

**Final Subcommittee Action**

LFO recommends that HB 3355, as amended by the -A10, -A11, A13, and A16 amendments, to be moved to the Ways and Means Full Committee.

MOTION: I move HB 3355, as amended, to the Full Committee with a do pass recommendation. (VOTE)

**Carriers**

Full: Senator/Representative \_\_\_\_\_

House: Senator/Representative \_\_\_\_\_

Senate: Senator/Representative \_\_\_\_\_