

State of California: Bill number SB 993 allowing psychologists to prescribe Psychotropic medication

Bill text introduced by Senator Calderon on February 23, 2007

An act to amend Section 2904 of, and to add Article 1.5 (commencing with Section 2919.10) to Chapter 6.6 of Division 2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as introduced, Calderon.

Psychologists: scope of practice: prescribing drugs.

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of the practice of psychology by the Board of Psychology in the Department of Consumer Affairs. Existing law excludes prescribing drugs from the scope of practice of a licensed psychologist.

This bill would, with certain exceptions, authorize the board to grant a prescription certificate or a conditional prescription certificate to a licensed psychologist authorizing, within the scope of practice of a psychologist, the prescription of certain drugs if certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS

SECTION 1. The Legislature finds and declares all of the following:

- (a) The delivery of comprehensive, accessible, and affordable medical care may be enhanced by providing trained medical psychologists, licensed in California, with limited prescriptive authority for the specific purpose of providing integrated mental health care services. The Legislature has previously authorized prescription privileges to advanced nurse practitioners, optometrists, dentists, podiatrists, osteopaths, physician assistants, and naturopaths.
- (b) Psychologists with appropriate credentials have been allowed to prescribe medications to active duty personnel and their families in military facilities for many years. Louisiana and New Mexico are two states that have adopted legislation authorizing prescriptive authority for psychologists.
- (c) For many years, psychologists in California have been allowed to discuss and recommend psychotropic

medications to both patients and physicians. California psychologists routinely collaborate with primary care physicians to provide combined therapy and psychopharmacological care for their patients.

California psychologists have independent hospital privileges.

- (d) California licensed psychologists complete an average of seven years of postbaccalaureate study and three thousand hours of postgraduate supervised practice in the diagnosis and treatment of mental illness. Medical psychologists have earned additional Master of Science degrees in clinical psychopharmacology, or its equivalent, and passed a national examination in psychopharmacology. Because the current scope of medical psychologists' practice in California does not include prescribing medications, patients must consult with and pay for another provider to obtain the requisite prescription.

However, physicians are not readily available in many areas and for minority populations.

- (e) This is a particular hardship for patients residing in health care treatment shortage areas and in rural areas.

For patients who require treatment in county and state mental health facilities, including the Department of Corrections and Rehabilitation, medical psychologists could eliminate the problem of access to care and psychiatrist shortages while significantly enhancing mental health treatment. Timely, efficient, and cost-effective treatment of mental illnesses could avoid the significantly greater social, economic, and medical costs of nontreatment for these needy populations.

- (f) Research data soundly demonstrates that there is not enough mental health care available to serve the needs of all people in the California due to the severe shortages of psychiatrists. Further, the economically disadvantaged and medically underserved would receive little or no mental health services if not for the services provided by clinical psychologists.

- (g) The State of California has long recognized the extraordinarily deficient mental health care of its citizens.

California has some of the highest rates of untreated

psychological concerns in the United States. Recent concerns include the receivership of the prison system due to the state's inability to provide adequate mental and physical health care to inmates. There are several outstanding lawsuits against the State of California alleging that inmates and patients at state mental hospitals are not receiving constitutionally adequate mental health care due to the severe shortage of competent psychiatrists.

- h) Further exacerbating the dire need for mental health treatment in underserved areas is the fact that patients from diverse cultural backgrounds are reluctant to seek treatment due to the stigma of mental health problems. Timely access to accurate diagnosis and effective treatment of emotional and behavioral disorders also may contribute substantially to the state's responsibilities to children and needy adults in underserved rural areas.
- (i) Professional psychology has developed a model curriculum for the education and training of prescribing psychologists. Independent evaluations of the Department of Defense Psychopharmacological Demonstration Project by the United States General Accounting Office and the American College of Neuropsychopharmacology have found that appropriately trained medical psychologists prescribe safely and effectively. Two states, New Mexico and Louisiana, and the territory of Guam, now allow appropriately trained psychologists to prescribe psychotropic medications. Psychologists in the military have been providing medication services to personnel and their families since 1990. Hundreds of thousands to over 1,000,000 prescriptions written by psychologists with not one patient injured.

This record far exceeds the safety records of any prescribing class of professionals.

SECTION 2. Section 2904 of the Business and Professions Code is amended to read:

2904. The practice of psychology shall not include prescribing drugs, performing surgery or administering electroconvulsive therapy. The practice of psychology shall not include prescribing drugs, except as authorized pursuant to Article 1.5 (commencing with Section 2919.10)

SECTION 3. Article 1.5 (commencing with Section 2919.10) is added to Chapter 6.6 of Division 2 of the Business and Professions Code, to read:

Article 1.5. Prescription Certificate and Conditional Prescription Certificate.

2919.10. As used in this article the following terms have

the following meanings, unless the context otherwise requires:

- (a) "Board" means the Board of Psychology.
- (b) "Collaborative relationship" means a cooperative working relationship between a psychologist holding a conditional prescription certificate and a doctor of medicine in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care.
- (c) "Narcotics" mean natural and synthetic opioid analgesics, and their derivatives used to relieve pain.
- (d) "Nonpsychotropic treating formulary" means any medication that is labeled to treat adverse conditions caused by a psychotropic medication.
- (e) "Prescribing mental health professional" means a medically trained and licensed physician, psychiatrist, advance practice nurse, or nurse practitioner specializing in mental health care.
- (f) "Psychotropic medication" means only those agents related to the diagnosis and treatment of mental and emotional disorders, including controlled substances, except narcotics.

2919.15. (a) A psychologist may apply to the board for a conditional prescription certificate. The application shall be made on a form approved by the board, and be accompanied by evidence satisfactory to the board, that the applicant complies with all of the following:

- (1) Holds a current license in good standing to practice psychology in the state.
- (2) Has successfully completed a planned sequence of psychopharmacological training from an institution of higher learning approved by the board, or from a continuing education program consistent with professional psychology's postdoctoral training in psychopharmacology or has been recommended by the National Alliance of Professional Psychology Providers. Any applicant who has received a postdoctoral Master of Science degree in psychopharmacology from a regionally accredited institution of higher learning, or an educational institution approved by the state to provide this education, or received a certificate of completion from an approved provider of continuing education designated by the board to provide this training to California licensed psychologists, shall be deemed as meeting the requirements of this section. This training shall include didactic classroom instruction in at least the following core areas of instruction:
 - (A) Anatomy and physiology.
 - (B) Biochemistry.
 - (C) Neurosciences.

- (D) Pharmacology.
- (E) Psychopharmacology.
- (F) Pathophysiology.
- (G) Health assessment, including relevant physical and laboratory assessment.
- (H) Clinical pharmacotherapeutics.

- (3) Has passed a national proficiency examination, approved by the board, that tests the applicant's knowledge of pharmacology in the diagnosis, care, and treatment of mental disorders. The board shall establish what constitutes a passing score and the number of times an applicant may retake the exam within a specific time period.
 - (4) Applies for a federal Drug Enforcement License for limited use as restricted by state law.
 - (5) Meets all other requirements, as determined by rules adopted by the board pursuant to obtaining a conditional prescription certificate.
 - (b) The board shall issue a conditional prescription certificate if it finds that the applicant has met the requirements of this section.
- 2191.20. (a) A psychologist holding a conditional prescription certificate may administer and prescribe psychotropic medication within the recognized scope of the profession, including the ordering and review of laboratory tests in conjunction with Prescribing medication for the treatment of mental disorders.
- (b) When prescribing psychotropic medication for a patient, a psychologist holding a conditional prescription certificate shall maintain an ongoing collaborative relationship with the medical practitioner who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, and to be aware of any significant changes in the patient's physical condition.
 - (c) A prescription written by a psychologist with a conditional prescription certificate shall do all of the following:
 - (1) Comply with applicable state and federal laws.
 - (2) Be identified as issued by the psychologist as a "Medical Psychologist."
 - (3) Include the psychologist's board number or the identification number assigned by the department of commerce and consumer affairs.
 - (d) A psychologist holding a conditional prescription certificate shall not delegate prescriptive authority to any other person.

Records of all prescriptions shall be maintained in the prescribing psychologists' patient records.

- (e) When authorized to prescribe controlled substances, a psychologist holding a conditional prescription cer-

tificate shall file with the board in a timely manner all individual federal Drug Enforcement Agency registrations and numbers.

2191.25. (a) A psychologist may apply to the board for a prescription certificate. The application shall be made on a form approved by the board and be accompanied by evidence satisfactory to the board that the applicant complies with all of the following:

- (1) Has been issued a conditional prescription certificate and has successfully completed one year of prescribing psychotropic medication.
- (2) Holds a current license to practice psychology in California.
- (3) Meets all other requirements, as determined by rule of the board, for obtaining a prescription certificate.
- (b) The board shall issue a prescription certificate if it finds that the applicant has met the requirements of subdivision (a).

2191.30. A psychologist with a prescription certificate may prescribe psychotropic medication if the psychologist complies with all of the following:

- (a) Continues to hold a current license to practice psychology in California.
- (b) Complies with the requirements set forth in paragraph (2) of subdivision (a) of Section 2919.15.
- (c) Annually satisfies the continuing education requirements for psychologists, if any are set by the board.

2191.35. (a) By July 1, 2008, the board shall adopt rules pursuant to establishing the procedures to be followed to obtain a conditional prescription certificate, a prescription certificate, and renewals of a conditional prescription certificate and prescription certificate. The board may set reasonable application and renewal fees.

- (b) The board shall adopt rules pursuant to establishing the grounds for denial, suspension, or revocation of a conditional prescription certificate and prescription certificate including a provision for suspension or revocation of a license to practice psychology upon suspension or revocation of a conditional prescription certificate or prescription certificate. Actions of denial, suspension, or revocation of a conditional prescription certificate or a prescription certificate shall be in accordance with this chapter.
- (c) The board shall maintain current records on every prescribing psychologist, including federal registrations and numbers.
- (d) The board shall provide to the California State Board of Pharmacy an annual list of psychologists holding a conditional prescription certificate that contains the information agreed upon between the board and the board of pharmacy. The board shall promptly notify

Attached documents: Fighting a legal battle

the board of pharmacy of psychologists who are added or deleted from the list.

(e) The board shall be the sole and exclusive administrative body to implement and oversee this article.

2191.40. (a) This article shall not be construed to permit a medical psychologist to administer or prescribe a narcotic.

(b) This article shall not apply to any of the following:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university, provided that the person shall not engage in the practice of psychology outside the responsibilities of the person's employment.

(2) Any person who performs any, or any combination, of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board, provided that the person may use the term "psychological assistant," but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology.

(3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of that government employment.

(4) Any person who is a student of psychology, a

psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as "psychology trainee," "psychology student," "psychology intern," or "psychology resident," that indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology.

(5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render or advertise services, including psychotherapy, within the scope of practice as defined in the statutes or rules regulating the person's professional practice, provided that the person does not represent the person's self to be a psychologist or does not represent that the person is licensed to practice psychology.

(6) Any person who is a member of a mental health profession not requiring licensure, provided that the person functions only within the person's professional capacities, and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological.

(7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological.