

Introduced by Senator Calderon

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:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The delivery of comprehensive, accessible, and affordable
- 4 medical care may be enhanced by providing trained medical
- 5 psychologists, licensed in California, with limited prescriptive

1 authority for the specific purpose of providing integrated mental
2 health care services. The Legislature has previously authorized
3 prescription privileges to advanced nurse practitioners,
4 optometrists, dentists, podiatrists, osteopaths, physician assistants,
5 and naturopaths.

6 (b) Psychologists with appropriate credentials have been allowed
7 to prescribe medications to active duty personnel and their families
8 in military facilities for many years. Louisiana and New Mexico
9 are two states that have adopted legislation authorizing prescriptive
10 authority for psychologists.

11 (c) For many years, psychologists in California have been
12 allowed to discuss and recommend psychotropic medications to
13 both patients and physicians. California psychologists routinely
14 collaborate with primary care physicians to provide combined
15 therapy and psychopharmacological care for their patients.
16 California psychologists have independent hospital privileges.

17 (d) California licensed psychologists complete an average of
18 seven years of postbaccalaureate study and three thousand hours
19 of postgraduate supervised practice in the diagnosis and treatment
20 of mental illness. Medical psychologists have earned additional
21 Master of Science degrees in clinical psychopharmacology, or its
22 equivalent, and passed a national examination in
23 psychopharmacology. Because the current scope of medical
24 psychologists' practice in California does not include prescribing
25 medications, patients must consult with and pay for another
26 provider to obtain the requisite prescription. However, physicians
27 are not readily available in many areas and for minority
28 populations.

29 (e) This is a particular hardship for patients residing in health
30 care treatment shortage areas and in rural areas. For patients who
31 require treatment in county and state mental health facilities,
32 including the Department of Corrections and Rehabilitation,
33 medical psychologists could eliminate the problem of access to
34 care and psychiatrist shortages while significantly enhancing
35 mental health treatment. Timely, efficient, and cost-effective
36 treatment of mental illnesses could avoid the significantly greater
37 social, economic, and medical costs of nontreatment for these
38 needy populations.

39 (f) Research data soundly demonstrates that there is not enough
40 mental health care available to serve the needs of all people in the

1 California due to the severe shortages of psychiatrists. Further, the
2 economically disadvantaged and medically underserved would
3 receive little or no mental health services if not for the services
4 provided by clinical psychologists.

5 (g) The State of California has long recognized the
6 extraordinarily deficient mental health care of its citizens.
7 California has some of the highest rates of untreated psychological
8 concerns in the United States. Recent concerns include the
9 receivership of the prison system due to the state's inability to
10 provide adequate mental and physical health care to inmates. There
11 are several outstanding lawsuits against the State of California
12 alleging that inmates and patients at state mental hospitals are not
13 receiving constitutionally adequate mental health care due to the
14 severe shortage of competent psychiatrists.

15 (h) Further exacerbating the dire need for mental health
16 treatment in underserved areas is the fact that patients from diverse
17 cultural backgrounds are reluctant to seek treatment due to the
18 stigma of mental health problems. Timely access to accurate
19 diagnosis and effective treatment of emotional and behavioral
20 disorders also may contribute substantially to the state's
21 responsibilities to children and needy adults in underserved rural
22 areas.

23 (i) Professional psychology has developed a model curriculum
24 for the education and training of prescribing psychologists.
25 Independent evaluations of the Department of Defense
26 Psychopharmacological Demonstration Project by the United States
27 General Accounting Office and the American College of
28 Neuropsychopharmacology have found that appropriately trained
29 medical psychologists prescribe safely and effectively. Two states,
30 New Mexico and Louisiana, and the territory of Guam, now allow
31 appropriately trained psychologists to prescribe psychotropic
32 medications. Psychologists in the military have been providing
33 medication services to personnel and their families since 1990.
34 Hundreds of thousands to over 1,000,000 prescriptions written by
35 psychologists with not one patient injured. This record far exceeds
36 the safety records of any prescribing class of professionals.

37 SEC. 2. Section 2904 of the Business and Professions Code is
38 amended to read:

39 2904. The practice of psychology shall not include ~~prescribing~~
40 ~~drugs~~; performing surgery or administering electroconvulsive

1 therapy. *The practice of psychology shall not include prescribing*
2 *drugs, except as authorized pursuant to Article 1.5 (commencing*
3 *with Section 2919.10).*

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

7
8 Article 1.5. Prescription Certificate and Conditional Prescription
9 Certificate.

10
11 2919.10. As used in this article the following terms have the
12 following meanings, unless the context otherwise requires:

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

30 2919.15. (a) A psychologist may apply to the board for a
31 conditional prescription certificate. The application shall be made
32 on a form approved by the board, and be accompanied by evidence
33 satisfactory to the board, that the applicant complies with all of
34 the following:

- 35 (1) Holds a current license in good standing to practice
36 psychology in the state.
- 37 (2) Has successfully completed a planned sequence of
38 psychopharmacological training from an institution of higher
39 learning approved by the board, or from a continuing education
40 program consistent with professional psychology’s postdoctoral

1 training in psychopharmacology or has been recommended by the
2 National Alliance of Professional Psychology Providers. Any
3 applicant who has received a postdoctoral Master of Science degree
4 in psychopharmacology from a regionally accredited institution
5 of higher learning, or an educational institution approved by the
6 state to provide this education, or received a certificate of
7 completion from an approved provider of continuing education
8 designated by the board to provide this training to California
9 licensed psychologists, shall be deemed as meeting the
10 requirements of this section. This training shall include didactic
11 classroom instruction in at least the following core areas of
12 instruction:

- 13 (A) Anatomy and physiology.
 - 14 (B) Biochemistry.
 - 15 (C) Neurosciences.
 - 16 (D) Pharmacology.
 - 17 (E) Psychopharmacology.
 - 18 (F) Pathophysiology.
 - 19 (G) Health assessment, including relevant physical and
20 laboratory assessment.
 - 21 (H) Clinical pharmacotherapeutics.
- 22 (3) Has passed a national proficiency examination, approved
23 by the board, that tests the applicant's knowledge of pharmacology
24 in the diagnosis, care, and treatment of mental disorders. The board
25 shall establish what constitutes a passing score and the number of
26 times an applicant may retake the exam within a specific time
27 period.
- 28 (4) Applies for a federal Drug Enforcement License for limited
29 use as restricted by state law.
- 30 (5) Meets all other requirements, as determined by rules adopted
31 by the board pursuant to obtaining a conditional prescription
32 certificate.

33 (b) The board shall issue a conditional prescription certificate
34 if it finds that the applicant has met the requirements of this section.

35 2191.20. (a) A psychologist holding a conditional prescription
36 certificate may administer and prescribe psychotropic medication
37 within the recognized scope of the profession, including the
38 ordering and review of laboratory tests in conjunction with
39 prescribing medication for the treatment of mental disorders.

1 (b) When prescribing psychotropic medication for a patient, a
2 psychologist holding a conditional prescription certificate shall
3 maintain an ongoing collaborative relationship with the medical
4 practitioner who oversees the patient’s general medical care to
5 ensure that necessary medical examinations are conducted, and to
6 be aware of any significant changes in the patient’s physical
7 condition.

8 (c) A prescription written by a psychologist with a conditional
9 prescription certificate shall do all of the following:

10 (1) Comply with applicable state and federal laws.

11 (2) Be identified as issued by the psychologist as a “Medical
12 Psychologist.”

13 (3) Include the psychologist’s board number or the identification
14 number assigned by the department of commerce and consumer
15 affairs.

16 (d) A psychologist holding a conditional prescription certificate
17 shall not delegate prescriptive authority to any other person.
18 Records of all prescriptions shall be maintained in the prescribing
19 psychologists’ patient records.

20 (e) When authorized to prescribe controlled substances, a
21 psychologist holding a conditional prescription certificate shall
22 file with the board in a timely manner all individual federal Drug
23 Enforcement Agency registrations and numbers.

24 2191.25. (a) A psychologist may apply to the board for a
25 prescription certificate. The application shall be made on a form
26 approved by the board and be accompanied by evidence satisfactory
27 to the board that the applicant complies with all of the following:

28 (1) Has been issued a conditional prescription certificate and
29 has successfully completed one year of prescribing psychotropic
30 medication.

31 (2) Holds a current license to practice psychology in California.

32 (3) Meets all other requirements, as determined by rule of the
33 board, for obtaining a prescription certificate.

34 (b) The board shall issue a prescription certificate if it finds that
35 the applicant has met the requirements of subdivision (a).

36 2191.30. A psychologist with a prescription certificate may
37 prescribe psychotropic medication if the psychologist complies
38 with all of the following:

39 (a) Continues to hold a current license to practice psychology
40 in California.

1 (b) Complies with the requirements set forth in paragraph (2)
2 of subdivision (a) of Section 2919.15.

3 (c) Annually satisfies the continuing education requirements
4 for psychologists, if any are set by the board.

5 2191.35. (a) By July 1, 2008, the board shall adopt rules
6 pursuant to establishing the procedures to be followed to obtain a
7 conditional prescription certificate, a prescription certificate, and
8 renewals of a conditional prescription certificate and prescription
9 certificate. The board may set reasonable application and renewal
10 fees.

11 (b) The board shall adopt rules pursuant to establishing the
12 grounds for denial, suspension, or revocation of a conditional
13 prescription certificate and prescription certificate including a
14 provision for suspension or revocation of a license to practice
15 psychology upon suspension or revocation of a conditional
16 prescription certificate or prescription certificate. Actions of denial,
17 suspension, or revocation of a conditional prescription certificate
18 or a prescription certificate shall be in accordance with this chapter.

19 (c) The board shall maintain current records on every prescribing
20 psychologist, including federal registrations and numbers.

21 (d) The board shall provide to the California State Board of
22 Pharmacy an annual list of psychologists holding a conditional
23 prescription certificate that contains the information agreed upon
24 between the board and the board of pharmacy. The board shall
25 promptly notify the board of pharmacy of psychologists who are
26 added or deleted from the list.

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

29 2191.40. (a) This article shall not be construed to permit a
30 medical psychologist to administer or prescribe a narcotic.

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

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

38 (2) Any person who performs any, or any combination, of the
39 professional services defined as the practice of psychology under
40 the direction of a licensed psychologist in accordance with rules

1 adopted by the board, provided that the person may use the term
2 “psychological assistant,” but shall not identify the person’s self
3 as a psychologist or imply that the person is licensed to practice
4 psychology.

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

10 (4) Any person who is a student of psychology, a psychological
11 intern, or a resident in psychology preparing for the profession of
12 psychology under supervision in a training institution or facility
13 and who is designated by a title as “psychology trainee,”
14 “psychology student,” “psychology intern,” or “psychology
15 resident,” that indicates the person’s training status; provided that
16 the person shall not identify the person’s self as a psychologist or
17 imply that the person is licensed to practice psychology.

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

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

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