

AMENDED IN SENATE APRIL 18, 2007

SENATE BILL

No. 993

Introduced by Senator Calderon *Senators Aanestad and Calderon*
(Principal coauthors: Senators Lowenthal and Romero)
(Coauthor: Senator Scott)

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. An act to amend Sections 2902, 2904, 2960, 4040, 4502, 4502.1, and 4502.2 of, and to add Sections 2949, 2949.2, 2949.3, and 2949.4 to, the Business and Professions Code, relating to psychology.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as amended, ~~Calderon~~ *Aanestad*. Psychologists: scope of practice: prescribing drugs.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology, and the Pharmacy Law provides for the regulation of prescription drug and medical device dispensing by the State Board of Pharmacy. The Psychology Licensing Law provides that the practice of psychology does not include the prescribing of drugs and does not authorize a psychologist to prescribe drugs or write prescriptions. Existing law additionally makes a violation of its provisions a crime and unprofessional conduct, constituting grounds for disciplinary action by the Board of Psychology.

This bill would revise these provisions to authorize a certified prescribing psychologist, as defined, to prescribe drugs for the treatment of specified disorders if certain requirements are met. This bill would

require the Board of Psychology to establish and administer a certification process to grant licensed psychologists the authority to write prescriptions, and would require an applicant for certification as a prescribing psychologist to meet specified education and training requirements, including requirements of clinical competency, and passing a nationally recognized examination approved and administered by the board. The bill would require the board to charge fees for the issuance and renewal of a certificate to cover the costs of administering the certification process and the examination, and would provide for the deposit of these fees in the Psychology Fund. The bill would require the board to establish requirements for the renewal of a certificate, including continuing education requirements, and to provide certain information to the State Board of Pharmacy, including a list of psychologists certified to prescribe drugs. The bill would also require an approved program to meet specified requirements, including providing certain reports to the board.

This bill would include as unprofessional conduct, subject to disciplinary action by the board, a violation of particular provisions of law relating to the prescribing of drugs.

By adding these provisions, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~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~~-yes.

The people of the State of California do enact as follows:

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

3 *(a) In September 2006 the California Department of Corrections*
4 *and Rehabilitation (CDCR) reported a systemwide vacancy rate*
5 *for psychiatrists of 67 percent. In February 2007, the State*
6 *Department of Mental Health reported a vacancy rate for*
7 *psychiatrists of 40 percent.*

8 *(b) As a result of the severe shortages, patient care has been*
9 *compromised and CDCR, with over 32,000 mentally ill patients,*
10 *is in federal receivership. Further, there are several outstanding*
11 *lawsuits against the State of California alleging that inmates and*
12 *patients at state mental hospitals are not receiving constitutionally*
13 *adequate mental health care due to the severe shortage of*
14 *competent psychiatrists and state-employed psychiatrists' salaries*
15 *have been raised to nearly \$300,000 annually.*

16 *(c) Busy nonpsychiatrist, primary care and other physicians,*
17 *with little training in mental health, prescribe 80 percent of all*
18 *psychotropic medications in patient visits that average 8 to 10*
19 *minutes with typical followup of months into the future for another*
20 *brief appointment. A change in law is required so that prescribing*
21 *psychologists are available to those patients who need more than*
22 *a few minutes and a prescription from a primary care physician.*

23 *(d) According to the National Institute for Mental Health, one*
24 *in four individuals suffers from a diagnosable mental illness in a*
25 *given year, and one in 17 suffers from a severe mental illness.*

26 *(e) Families with members who have a serious mental illness*
27 *would benefit by being free to choose, if desired, a psychologist*
28 *with the comprehensive training to prescribe not only needed*
29 *medication but also provide the additional treatments that are*
30 *necessary to improve the mentally ill person's quality of life, which*
31 *the National Institute of Mental Health says is beyond what*
32 *antipsychotic medications are able to do.*

33 *(f) Psychologists are authorized to prescribe medication in New*
34 *Mexico, Louisiana, and the United States territory of Guam, and*
35 *have written over 40,000 prescriptions with no deaths and no*
36 *adverse outcomes.*

37 *(g) Psychologists with appropriate training and credentials*
38 *have been prescribing medications to active duty personnel and*

1 *their families in military facilities since 1991. These prescribing*
2 *psychologists have consulted and treated over 160,000 patients*
3 *with no deaths and no adverse outcomes.*

4 *(h) Research data soundly demonstrates that there is not enough*
5 *mental health care available to serve the needs of all people in*
6 *California due to the severe shortages of psychiatrists. According*
7 *to the American Board of Medical Specialties Directory of Board*
8 *Certified Medical Specialists, there are 11 California counties*
9 *with no psychiatrist and an additional 17 California counties with*
10 *five or fewer psychiatrists in residence.*

11 *(i) Since 2001 and 2002, 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. Since*
16 *1978, California psychologists have held independent hospital*
17 *privileges.*

18 *(j) The American Psychological Association has a model*
19 *curriculum used by training programs around the country for the*
20 *education and training of prescribing psychologists. In order to*
21 *meet the increasing demands for services to mentally ill and*
22 *disordered persons in California, it is the intent of the Legislature*
23 *to grant prescriptive authority to California licensed psychologists*
24 *who choose to receive the appropriate education and training.*

25 *SEC. 2. Section 2902 of the Business and Professions Code is*
26 *amended to read:*

27 *2902. As used in this chapter, unless the context clearly requires*
28 *otherwise and except as in this chapter expressly otherwise*
29 *provided, the following definitions apply:*

30 *(a) "Licensed psychologist" means an individual to whom a*
31 *license has been issued pursuant to the provisions of this chapter,*
32 *which license is in force and has not been suspended or revoked.*

33 *(b) "Board" means the Board of Psychology.*

34 *(c) A person represents himself or herself to be a psychologist*
35 *when the person holds himself or herself out to the public by any*
36 *title or description of services incorporating the words*
37 *"psychology," "psychological," "psychologist," "psychology*
38 *consultation," "psychology consultant," "psychometry,"*
39 *"psychometrics" or "psychometrist," "psychotherapy,"*
40 *"psychotherapist," "psychoanalysis," or "psychoanalyst," or when*

1 the person holds himself or herself out to be trained, experienced,
2 or an expert in the field of psychology.

3 (d) “Accredited,” as used with reference to academic institutions,
4 means the University of California, the California State University,
5 *an institution that is accredited under Section 94712 of the*
6 *Education Code*, or an institution that is *located in another state*
7 *and that is* accredited by a national or an applicable regional
8 accrediting agency recognized by the United States Department
9 of Education.

10 (e) “Approved,” as used with reference to academic institutions,
11 means an institution ~~having “approval to operate”, as defined in~~
12 ~~Section 94718 approved under Section 94800~~ of the Education
13 Code.

14 (f) “Prescriptive authority” means the authority to prescribe,
15 *discontinue, order, administer or dispense without charge, drugs*
16 *or controlled substances, excluding narcotics, recognized for, or*
17 *customarily used in, the inpatient or outpatient diagnosis,*
18 *treatment, or evaluation and management of individuals with*
19 *psychiatric, mental, cognitive, nervous, emotional, addictive,*
20 *developmental, or behavioral disorders, and to order or utilize*
21 *other procedures, consultations, devices, and tests related thereto.*

22 (g) “Health service provider” means a licensed psychologist
23 who is duly trained and experienced in the delivery of preventive,
24 assessment, diagnostic, and therapeutic intervention services
25 relative to the psychological and physical health of consumers and
26 who has done both of the following:

27 (1) Completed an internship and supervised experience in health
28 care settings.

29 (2) Been licensed as a psychologist at the independent practice
30 level.

31 (h) “Prescribing psychologist” means a health service provider
32 who has received from the board, pursuant to Section 2949, a valid
33 certificate granting prescriptive authority, and whose certificate
34 has not been revoked or suspended.

35 (i) “Drug” has the same meaning as provided in Section 4025,
36 and includes controlled substances and dangerous drugs, as
37 defined in Sections 4021 and 4022, respectively.

38 (j) “Device” has the same meaning as provided in Section 4023,
39 and includes dangerous devices, as defined in Section 4022.

1 (k) “Prescription” has the same meaning as provided in Sections
2 4040 and 4070.

3 SEC. 3. Section 2904 of the Business and Professions Code is
4 amended to read:

5 2904. The practice of psychology shall not include ~~prescribing~~
6 ~~drugs, performing surgery or administering electroconvulsive~~
7 ~~therapy~~; any of the following:

8 (a) Prescribing drugs or devices, except for those prescribed
9 by prescribing psychologists, as defined in Section 2902.

10 (b) Performing surgery.

11 (c) Administering electroconvulsive therapy.

12 SEC. 4. Section 2949 is added to the Business and Professions
13 Code, to read:

14 2949. (a) The board shall establish and administer a
15 certification process to grant licensed psychologists prescriptive
16 authority. The board shall also develop a procedure for
17 prescribing-psychologists-in-training to prescribe under the
18 supervision and license of a qualified prescriber. The board shall
19 develop procedures for the administration of an appropriate, valid,
20 nationally recognized examination, such as the American
21 Psychological Association Practice Organization’s College of
22 Professional Psychology examination, approved by the board. The
23 board shall charge applicants reasonable fees for the issuance of,
24 and renewal of, a certificate in order to cover the costs of
25 administering the certification process and the examination. These
26 fees shall be deposited in the Psychology Fund.

27 (b) Each applicant for certification as a prescribing
28 psychologist, as defined in subdivision (h) of Section 2902, shall
29 show by official transcript or other official evidence satisfactory
30 to the board that he or she has successfully completed both of the
31 following:

32 (1) An organized and planned sequence of
33 psychopharmacological training deemed by the board to be
34 consistent with this chapter and with the American Psychological
35 Association’s (APA) training guidelines for prescriptive authority
36 in effect at the time the coursework was completed. The board may
37 certify a psychologist from a federal or other state jurisdiction to
38 practice as a prescribing psychologist if that jurisdiction has
39 authorized the psychologist to prescribe and if the board
40 determines that the psychologist has practiced with competence.

1 *Also, the board may certify a psychologist to practice as a*
2 *prescribing psychologist if the psychologist has lawfully prescribed*
3 *under another professional license that authorizes prescribing*
4 *and the training and experience under the other license is*
5 *consistent with the training standards required for a prescribing*
6 *psychologist. Approved programs may give credit for required*
7 *didactic science courses taken at other educational institutions*
8 *that would meet the educational requirements of their program.*
9 *Coursework shall be consistent with the most current APA training*
10 *guidelines, and shall include education in all of the following*
11 *subjects:*

12 *(A) Basic science, including anatomy, physiology, and*
13 *biochemistry.*

14 *(B) Neurosciences, including neuroanatomy, neurophysiology,*
15 *and neurochemistry.*

16 *(C) Physical assessment and laboratory examinations, including*
17 *the following:*

18 *(i) Physical assessment.*

19 *(ii) Laboratory and radiological assessment.*

20 *(iii) Medical terminology and documentation.*

21 *(iv) Integration of the subjects in clauses (i) to (iii), inclusive,*
22 *through supervised clinical experience or laboratory experience*
23 *in conducting physical examinations, ordering psychometric and*
24 *laboratory tests, and understanding results and interpretation.*

25 *(D) Clinical medicine and pathophysiology, including the*
26 *following:*

27 *(i) Pathophysiology, with particular emphasis on cardiac, renal,*
28 *hepatic, neurologic, gastrointestinal, hematologic, dermatologic,*
29 *and endocrine systems.*

30 *(ii) Clinical medicine, with particular emphasis on signs,*
31 *symptoms, and treatment of disease states with behavioral and*
32 *psychiatric manifestations or comorbidities.*

33 *(iii) Differential diagnosis.*

34 *(iv) Clinical correlations. The illustration of the content of this*
35 *domain through case study.*

36 *(v) Chemical dependency and chronic pain management.*

37 *(vi) Integration of the subjects in clauses (i) to (v), inclusive,*
38 *through supervised clinical experience or laboratory experience*
39 *in taking medical history, assessment for differential diagnosis,*
40 *and review of systems.*

- 1 (E) *Clinical and research pharmacology and*
2 *psychopharmacology, including the following:*
- 3 (i) *Pharmacology.*
 - 4 (ii) *Clinical pharmacology.*
 - 5 (iii) *Pharmacogenetics.*
 - 6 (iv) *Psychopharmacology.*
 - 7 (v) *Developmental psychopharmacology.*
 - 8 (vi) *Integration of the subjects in clauses (i) to (v), inclusive,*
9 *through supervised clinical experience or laboratory experience*
10 *in clinical medicine and ongoing treatment monitoring and*
11 *evaluation.*
- 12 (F) *Clinical pharmacotherapeutics, including the following as*
13 *related to pharmacotherapeutics:*
- 14 (i) *Professional, ethical, and legal issues.*
 - 15 (ii) *Combined therapies, such as psychotherapy and*
16 *pharmacotherapy interactions.*
 - 17 (iii) *Computer-based aids to practice.*
 - 18 (iv) *Pharmacoepidemiology.*
 - 19 (v) *Integration of clauses (i) to (iv), inclusive, through*
20 *supervised clinical experience or laboratory experience in*
21 *integrated treatment planning and consultation and the*
22 *implications of treatment.*
- 23 (G) *Research, including the following:*
- 24 (i) *Methodology and design of psychopharmacological research.*
 - 25 (ii) *Interpretation and evaluation of research.*
 - 26 (iii) *Federal Food and Drug Agency drug development and*
27 *other regulatory processes.*
- 28 (2) *Relevant supervised clinical experience, in accordance with*
29 *APA guidelines, to obtain competency in prescribing and the*
30 *psychopharmacological treatment of a diverse patient population*
31 *under the direction of qualified prescribers, as determined by the*
32 *board.*
- 33 (A) *The supervised clinical experience is intended to be an*
34 *intensive, closely supervised experience. Approved programs shall*
35 *commit to providing training courses and experiences that*
36 *encourage sensitivity to the interactions between pharmacological*
37 *and psychological interventions with the developmental status,*
38 *gender, health status, culture, and ethnicity of patients. The*
39 *supervised experience shall be an organized sequence of education*
40 *and training that provides an integrative approach to learning,*

1 *as well as the opportunity to assess competencies in skills and*
2 *applied knowledge. The intent of the supervised clinical experience*
3 *shall be both of the following:*

4 *(i) To provide ongoing integration of didactic and applied*
5 *clinical knowledge throughout the learning sequence, including*
6 *ample opportunities for practical learning and clinical application*
7 *of skills.*

8 *(ii) To provide opportunity for programs to assess formative*
9 *and summative clinical competency in skills and applied*
10 *knowledge.*

11 *(B) The clinical competencies targeted by this experience shall*
12 *include all of the following:*

13 *(i) Physical examination and mental status evaluation, including*
14 *knowledge and execution of elements and sequence of both*
15 *comprehensive and focused physical examination and mental status*
16 *evaluation, proper use of instruments used in physical examination,*
17 *such as stethoscopes and blood pressure measurement devices,*
18 *and scope of knowledge gained from physical examination and*
19 *mental status examination.*

20 *(ii) Review of systems, including knowledge and ability to*
21 *systematically describe the process of integrating information*
22 *learned from patient reports, signs, symptoms, and a review of*
23 *each of the major body systems.*

24 *(iii) Medical history interview and documentation, including*
25 *the ability to systematically conduct a patient clinical interview*
26 *producing a personal and family medical history, and to*
27 *communicate the findings in written and verbal form.*

28 *(iv) Assessment indications and interpretation, including the*
29 *ability to order and interpret appropriate tests, such as*
30 *psychometric, laboratory, and radiological tests, for the purpose*
31 *of making a differential diagnosis and for monitoring therapeutic*
32 *and adverse effects of treatment.*

33 *(v) Differential diagnosis, including use of appropriate*
34 *processes, including established diagnostic criteria such as ICD-9*
35 *and DSM-IV, to determine primary and alternate diagnoses.*

36 *(vi) Integrated treatment planning, including the ability to*
37 *identify and select, using all available data, the most appropriate*
38 *treatment alternatives and to sequence treatment within the larger*
39 *biopsychosocial context.*

- 1 (vii) Consultation and collaboration, including understanding
2 of the parameters of the role of the prescribing psychologist or
3 medical psychologist and working with other professionals in an
4 advisory or collaborative manner to effect treatment of a patient.
- 5 (viii) Treatment management, including application, monitoring,
6 and modification, as needed, of treatment.
- 7 (C) The supervised clinical experience should also meet the
8 following requirements:
- 9 (i) The range of diagnostic categories, settings, and
10 developmental status, gender, health status, and ethnicity reflected
11 in the patients seen in connection with the supervised clinical
12 experience should be appropriate to the current and anticipated
13 practice of the trainee. It should allow the trainee to gain exposure
14 to acute, short-term, and maintenance medication strategies.
- 15 (ii) Prior to being granted certification as a prescribing
16 psychologist, a trainee shall obtain supervised clinical experience
17 with a sufficient range and number of patients in order to
18 demonstrate threshold performance levels for each of the
19 competency areas. In order to achieve the complex clinical
20 competency skills required for independent prescribing, a minimal
21 number of supervised patient contact hours shall be completed.
22 The program shall report the total number of supervised clinical
23 experience hours that students experience. These hours shall be
24 specified as either face-to-face patient contacts or other clinical
25 experiences and this shall be done for each clinical competency.
- 26 (iii) The program shall provide the board with a report for each
27 applicant that includes a description of the method and appropriate
28 benchmarks for assuring each clinical competency. Methods may
29 include performing basic physical examinations, case
30 presentations, or patient simulations based on actual patients and
31 patients for whom the trainee assumes direct psychological
32 responsibility. The trainee shall recommend or prescribe in
33 consultation with or under the supervision of someone with
34 demonstrated skills and experience in clinical psychopharmacology
35 and in accordance with the prevailing law.
- 36 (iv) The program shall provide final approval of the supervised
37 clinical experience of an applicant.
- 38 (D) Supervised clinical experience may be integrated into each
39 level of a trainee's education and training, provided in a final

1 *summative practical experience, or provided in a combination of*
2 *those methods according to the design of the program.*

3 *(E) A trainee shall demonstrate competency in his or her ability*
4 *to integrate didactic learning and applied clinical skill.*

5 *(c) A prescribing psychologist shall maintain competency*
6 *through continuing education over the lifespan of maintaining and*
7 *practicing in prescriptive authority or collaborative activities with*
8 *other prescribers.*

9 *SEC. 5. Section 2949.2 is added to the Business and Professions*
10 *Code, to read:*

11 *2949.2. (a) The board, shall set forth the requirements for*
12 *renewal of a certificate of a prescribing psychologist for each*
13 *license renewal period.*

14 *(b) Each applicant for renewal of a certificate for prescriptive*
15 *authority shall present evidence of having completed approved*
16 *mandatory continuing education in the area of*
17 *psychopharmacology and related prescribing practice as set forth*
18 *by the board.*

19 *SEC. 6. Section 2949.3 is added to the Business and Professions*
20 *Code, to read:*

21 *2949.3. (a) Each prescribing psychologist shall comply with*
22 *all state and federal rules and regulations relating to the*
23 *prescribing, dispensing, and recordkeeping for drugs or devices,*
24 *as defined in Sections 4021, 4022, 4023, 4025, and 4055, and other*
25 *applicable provisions of law. If the board determines that it would*
26 *facilitate administration of the provisions governing prescribing*
27 *psychologists to identify a prescribing psychologist by another*
28 *name that is consistent with other jurisdictions, it may do so.*

29 *(b) A written order of a prescribing psychologist shall include*
30 *his or her prescribing identification number, which shall be*
31 *assigned by the board to any certified prescribing psychologist.*

32 *(c) A prescribing psychologist shall not delegate the prescribing*
33 *of medication to any other person except for a supervised trainee*
34 *in a recognized training program for prescribing psychologists.*

35 *(d) Records of all prescriptions shall be maintained in a*
36 *prescribing psychologists client records.*

37 *SEC. 7. Section 2949.4 is added to the Business and Professions*
38 *Code, to read:*

1 2949.4. (a) The board shall annually transmit to the State
2 Board of Pharmacy a list of prescribing psychologists containing,
3 at a minimum, all of the following information:

4 (1) The name of the prescribing psychologist.

5 (2) The unique identification number indicating certification of
6 the prescribing psychologist to prescribe.

7 (3) The effective date of prescribing psychologist's prescriptive
8 authority.

9 (b) The board shall promptly forward to the State Board of
10 Pharmacy the names and identification numbers of prescribing
11 psychologists added to or deleted from the annual list of
12 psychologists certified to prescribe.

13 (c) The board shall notify the State Board of Pharmacy in a
14 timely manner upon termination, suspension, or reinstatement of
15 a psychologist's authority to prescribe.

16 SEC. 8. Section 2960 of the Business and Professions Code is
17 amended to read:

18 2960. The board may refuse to issue any registration,
19 certification, or license, or may issue a registration or license with
20 terms and conditions, or may suspend or revoke the registration
21 or license of any registrant or licensee if the applicant, registrant,
22 or licensee has been guilty of unprofessional conduct.
23 Unprofessional conduct shall include, but not be limited to, *all of*
24 *the following*:

25 (a) Conviction of a crime substantially related to the
26 qualifications, functions or duties of a psychologist or
27 psychological assistant.

28 (b) Use of any controlled substance as defined in Division 10
29 (commencing with Section 11000) of the Health and Safety Code,
30 or dangerous drug, or any alcoholic beverage to an extent or in a
31 manner dangerous to himself or herself, any other person, or the
32 public, or to an extent that this use impairs his or her ability to
33 perform the work of a psychologist with safety to the public.

34 (c) Fraudulently or neglectfully misrepresenting the type or
35 status of license or registration actually held.

36 (d) Impersonating another person holding a psychology license
37 or allowing another person to use his or her license or registration.

38 (e) Using fraud or deception in applying for a license or
39 registration or in passing the examination provided for in this
40 chapter.

- 1 (f) Paying, or offering to pay, accepting, or soliciting any
2 consideration, compensation, or remuneration, whether monetary
3 or otherwise, for the referral of clients.
- 4 (g) Violating Section 17500.
- 5 (h) Willful, unauthorized communication of information
6 received in professional confidence.
- 7 (i) Violating any rule of professional conduct promulgated by
8 the board and set forth in regulations duly adopted under this
9 chapter.
- 10 (j) Being grossly negligent in the practice of his or her
11 profession.
- 12 (k) Violating any of the provisions of this chapter or regulations
13 duly adopted thereunder.
- 14 (l) The aiding or abetting of any person to engage in the unlawful
15 practice of psychology.
- 16 (m) The suspension, revocation or imposition of probationary
17 conditions by another state or country of a license or certificate to
18 practice psychology or as a psychological assistant issued by that
19 state or country to a person also holding a license or registration
20 issued under this chapter if the act for which the disciplinary action
21 was taken constitutes a violation of this section.
- 22 (n) The commission of any dishonest, corrupt, or fraudulent act.
- 23 (o) Any act of sexual abuse, or sexual relations with a patient
24 or former patient within two years following termination of therapy,
25 or sexual misconduct that is substantially related to the
26 qualifications, functions or duties of a psychologist or
27 psychological assistant or registered psychologist.
- 28 (p) Functioning outside of his or her particular field or fields of
29 competence as established by his or her education, training, and
30 experience.
- 31 (q) Willful failure to submit, on behalf of an applicant for
32 licensure, verification of supervised experience to the board.
- 33 (r) Repeated acts of negligence.
- 34 (s) *Violating Section 2949.3 relating to prescribing or*
35 *dispensing drugs.*
- 36 *SEC. 9. Section 4040 of the Business and Professions Code is*
37 *amended to read:*
- 38 4040. (a) “Prescription” means an oral, written, or electronic
39 transmission order that is both of the following:

- 1 (1) Given individually for the person or persons for whom
2 ordered that includes all of the following:
- 3 (A) The name or names and address of the patient or patients.
4 (B) The name and quantity of the drug or device prescribed and
5 the directions for use.
6 (C) The date of issue.
7 (D) Either rubber stamped, typed, or printed by hand or typeset,
8 the name, address, and telephone number of the prescriber, his or
9 her license classification, and his or her federal registry number,
10 if a controlled substance is prescribed.
11 (E) A legible, clear notice of the condition for which the drug
12 is being prescribed, if requested by the patient or patients.
13 (F) If in writing, signed by the prescriber issuing the order, ~~or~~
14 ~~the certified nurse-midwife, nurse practitioner, physician assistant,~~
15 ~~or naturopathic doctor who issues a drug order pursuant to Section~~
16 ~~2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist~~
17 ~~who issues a drug order pursuant to either subparagraph (D) of~~
18 ~~paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph~~
19 ~~(5) of, subdivision (a) of Section 4052.~~
- 20 (2) Issued by a physician, dentist, optometrist, podiatrist,
21 *prescribing psychologist*, veterinarian, or naturopathic doctor
22 pursuant to Section 3640.7 or, if a drug order is issued pursuant
23 to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified
24 nurse-midwife, nurse practitioner, physician assistant, or
25 naturopathic doctor licensed in this state, or pursuant to either
26 subparagraph (D) of paragraph (4) of, or clause (iv) of
27 subparagraph (A) of paragraph (5) of, subdivision (a) of Section
28 4052 by a pharmacist licensed in this state.
- 29 (b) Notwithstanding subdivision (a), a written order of the
30 prescriber for a dangerous drug, except for any Schedule II
31 controlled substance, that contains at least the name and signature
32 of the prescriber, the name *or names* and address of the patient *or*
33 *patients* in a manner consistent with paragraph (3) of subdivision
34 (b) of Section 11164 of the Health and Safety Code, the name and
35 quantity of the drug prescribed, directions for use, and the date of
36 issue may be treated as a prescription by the dispensing pharmacist
37 as long as any additional information required by subdivision (a)
38 is readily retrievable in the pharmacy. In the event of a conflict
39 between this subdivision and Section 11164 of the Health and

1 Safety Code, Section 11164 of the Health and Safety Code shall
2 prevail.

3 (c) “Electronic transmission prescription” includes both image
4 and data prescriptions. “Electronic image transmission
5 prescription” means any prescription order for which a facsimile
6 of the order is received by a pharmacy from a licensed prescriber.
7 “Electronic data transmission prescription” means any prescription
8 order, other than an electronic image transmission prescription,
9 that is electronically transmitted from a licensed prescriber to a
10 pharmacy.

11 (d) The use of commonly used abbreviations shall not invalidate
12 an otherwise valid prescription.

13 (e) Nothing in the amendments made to this section (formerly
14 Section 4036) at the 1969 Regular Session of the Legislature shall
15 be construed as expanding or limiting the right that a chiropractor,
16 while acting within the scope of his or her license, may have to
17 prescribe a device.

18 *SEC. 10. Section 4502 of the Business and Professions Code*
19 *is amended to read:*

20 4502. As used in this chapter, “psychiatric technician” means
21 any person who, for compensation or personal profit, implements
22 procedures and techniques which involve understanding of cause
23 and effect and which are used in the care, treatment, and
24 rehabilitation of mentally ill, emotionally disturbed, or mentally
25 retarded persons and who has one or more of the following:

26 (a) Direct responsibility for administering or implementing
27 specific therapeutic procedures, techniques, treatments, or
28 medications with the aim of enabling recipients or patients to make
29 optimal use of their therapeutic regime, their social and personal
30 resources, and their residential care.

31 (b) Direct responsibility for the application of interpersonal and
32 technical skills in the observation and recognition of symptoms
33 and reactions of recipients or patients, for the accurate recording
34 of such symptoms and reactions, and for the carrying out of
35 treatments and medications as prescribed by a licensed physician
36 and surgeon ~~or a~~, psychiatrist, *or prescribing psychologist*.

37 The psychiatric technician in the performance of such procedures
38 and techniques is responsible to the director of the service in which
39 his duties are performed. The director may be a licensed physician

1 and surgeon, psychiatrist, psychologist, rehabilitation therapist,
2 social worker, registered nurse, or other professional personnel.

3 Nothing herein shall authorize a licensed psychiatric technician
4 to practice medicine or surgery or to undertake the prevention,
5 treatment or cure of disease, pain, injury, deformity, or mental or
6 physical condition in violation of the law.

7 *SEC. 11. Section 4502.1 of the Business and Professions Code*
8 *is amended to read:*

9 4502.1. A psychiatric technician, working in a mental health
10 facility or developmental disability facility, when prescribed by a
11 physician and surgeon *or prescribing psychologist*, may administer
12 medications by hypodermic injection.

13 *SEC. 12. Section 4502.2 of the Business and Professions Code*
14 *is amended to read:*

15 4502.2. A psychiatric technician, when prescribed by a
16 physician and surgeon *or prescribing psychologist*, may withdraw
17 blood from a patient with a mental illness or developmental
18 disability if the psychiatric technician has received certification
19 from the board that the psychiatric technician has completed a
20 prescribed course of instruction approved by the board or has
21 demonstrated competence to the satisfaction of the board.

22 *SEC. 13. No reimbursement is required by this act pursuant*
23 *to Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district will be incurred because this act creates a new crime or*
26 *infraction, eliminates a crime or infraction, or changes the penalty*
27 *for a crime or infraction, within the meaning of Section 17556 of*
28 *the Government Code, or changes the definition of a crime within*
29 *the meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in Senate,
February 23, 2007 (JR11)**