

Model Legislation for Prescriptive Authority

APPROVED BY THE APA COUNCIL OF REPRESENTATIVES
FEBRUARY 2019



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

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A. DEFINITIONS

- (1) "Board" means the {state psychology licensing board}.
- (2) "Controlled substance" means any drug substance or immediate precursor enumerated in schedules 1-5 of the U.S. Drug Enforcement Administration Controlled Substance Act (www.dea.gov/controlled-substances-act) and as adopted by {state's Food Drug and Cosmetic Act}.
- (3) "Drug" shall have the same meaning as that term is given in {state's "Food, Drug, and Cosmetic Act"}.
- (4) "Prescribing psychologist" means a doctoral-level psychologist who holds a current and valid license in their state or territory as a psychologist from their state board of psychology or its equivalent; and who has undergone specialized education and training in preparation for prescriptive practice and has passed an examination accepted by the {state board of psychology} relevant to establishing competence for prescribing; and has received from the {state board of psychology} a current certificate granting prescriptive authority, which has not been revoked or suspended.
- (5) "Clinical experience" means a period of supervised clinical training and practice in which clinical diagnoses and interventions are learned and which are conducted and supervised as part of the training program.
- (6) "Prescription" is an order for a drug, laboratory test, or any medicine{s}, device{s}, or treatment{s}, including {a} controlled substance{s}, as defined by state law.
- (7) "Prescriptive authority" means the authority to prescribe, administer, discontinue, and/or distribute without charge drugs or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders; this includes the authority to order necessary laboratory tests, diagnostic examinations, and procedures necessary to obtain such laboratory tests or diagnostic examinations; or other procedures directly related thereto within the scope of practice of psychology in accordance with rules and regulations adopted by the {state board of psychology}.

B. CERTIFICATION

- (1) The {state board of psychology} shall certify licensed, doctoral-level psychologists to exercise prescriptive authority in accordance with applicable state and federal laws.
- (2) The {state board of psychology} shall develop and implement procedures for reviewing education and training credentials for that certification process, in accordance with current standards of professional practice.

C. INITIAL APPLICATION REQUIREMENTS FOR PRESCRIPTIVE AUTHORITY

A psychologist who applies for prescriptive authority shall demonstrate all of the following by official transcript or other official evidence satisfactory to the {state board of psychology}:

- (1) The psychologist must hold a current license at the doctoral level to provide health care services as a psychologist in {the state};
- (2) As defined by the {state board of psychology}, and consistent with established policies of the American Psychological Association for educating and training psychologists in preparation for prescriptive authority:¹
 - a. The psychologist must have completed an organized sequence of study in an organized program offering intensive didactic education, and including the following core areas of instruction: basic science, functional neurosciences, physical examination, interpretation of laboratory tests, pathological basis of disease, clinical medicine, clinical neurotherapeutics, systems of care, pharmacology, clinical pharmacology, psychopharmacology, psychopharmacology research, and professional, ethical, and legal issues. The didactic portion of the education shall consist of an appropriate number of didactic hours to ensure acquisition of the necessary knowledge and skills to prescribe in a safe and effective manner;
 - b. The psychologist must have completed a postdoctoral prescribing psychology fellowship sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of qualified practitioners as determined by the {state board of psychology}.
- (3) The psychologist must pass an examination developed by a nationally recognized body (e.g., the Psychopharmacology Examination for Psychologists offered by the Association of State and Provincial Psychology Boards) and approved by the {state board of psychology}.

D. RENEWAL OF PRESCRIPTIVE AUTHORITY

- (1) The {state board of psychology} shall prescribe by rule a method for the renewal of prescriptive authority at the time of or in conjunction with the renewal of licenses.
- (2) Each applicant for renewal of prescriptive authority shall present satisfactory evidence to the {state board of psychology} demonstrating the completion of {number of} contact hours of continuing education instruction relevant to prescriptive authority during the previous {licensure renewal period}.

¹ A "grandparent" provision may be added to waive certain requirements for psychologists who have obtained relevant training and experience, including but not necessarily limited to (a) psychologists who are dually licensed as physicians, nurse practitioners, or who have comparable prescriptive authority under another license; and (b) psychologists who have completed the Department of Defense Psychopharmacology Demonstration Project.

E. PRESCRIBING PRACTICES

- (1) "Prescribing psychologists" shall be authorized to prescribe, administer, discontinue, and/or distribute without charge drugs or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders; this includes the authority to order necessary laboratory tests, diagnostic examinations, and procedures necessary to obtain such laboratory tests or diagnostic examinations; and those procedures which are relevant to the practice of psychology, or other procedures directly related thereto within the scope of practice of psychology in accordance with rules and regulations adopted by the {state board of psychology}.
- (2) No psychologist shall issue a prescription unless the psychologist holds a valid certificate of prescriptive authority.
- (3) Each prescription issued by the prescribing psychologist shall:
 - a. comply with all applicable state and federal laws and regulations; and
 - b. be identified as written by the prescribing psychologist in such manner as determined by the {state board of psychology}.
- (4) A record of all prescriptions shall be maintained in the patient's record.
- (5) A prescribing psychologist shall not delegate the authority to prescribe drugs to any other person.

F. CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY

- (1) When authorized to prescribe controlled substances, psychologists authorized to prescribe shall file in a timely manner their Drug Enforcement Agency (DEA) registration and number (and the state controlled and dangerous substances license number, if applicable) with the {state board of psychology}.
- (2) The {state board of psychology} shall maintain current records of every psychologist authorized to prescribe, including DEA registration and number.

G. INTERACTION WITH THE {STATE BOARD OF PHARMACY}

- (1) The {state board of psychology} shall transmit to the {state board of pharmacy} an initial list of psychologists authorized to prescribe containing the following information:
 - a. the name of the psychologist;
 - b. the psychologist's identification number assigned by the {state board of psychology}; and
 - c. the effective date of prescriptive authority.
- (2) The {state board of psychology} shall promptly forward to the {state board of pharmacy} any additions to the initial list as new certificates are issued.
- (3) The {state board of psychology} shall notify the {state board of pharmacy} in a timely manner upon termination, suspension, or reinstatement of a psychologist's prescriptive authority.

H. POWERS AND DUTIES OF THE BOARD

The {state board of psychology} shall promulgate rules and regulations for denying, modifying, suspending, or revoking the prescriptive authority or license of a psychologist authorized to prescribe. The {state board of psychology} shall also have the power to require remediation of any deficiencies in the training or practice pattern of the prescribing psychologist when, in the judgment of the board, such deficiencies could reasonably be expected to jeopardize the health, safety, or welfare of the public.

Possible Additions or Amendments to Existing State Laws

1. Amendment to the state-controlled substances act to ensure that psychologists authorized to prescribe are authorized prescribers of controlled substances.
2. Amendment to the state nurse practice act to ensure that nurses can implement prescriptions written by psychologists authorized to prescribe.
3. Amendment to the state pharmacy act to ensure that pharmacists can dispense drugs ordered by psychologists authorized to prescribe.
4. The laws of 13 states prohibit the prescription of drugs by psychologists. One possible way to address this problem would be to seek legislative authorization to prescribe only for those psychologists who obtain certification, while retaining the general prohibition on prescribing. For these states, state psychological associations may consider including something similar to the following provision:

The practice of psychology shall not include:

Prescribing drugs, with the exception of drugs prescribed by psychologists authorized to prescribe, or by psychologists who have graduated from the U.S. Department of Defense Psychopharmacology Demonstration Program.



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