

IN THE SENATE

SENATE BILL NO. 1060

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE A  
2 TERM; AMENDING SECTION 54-2305, IDAHO CODE, TO GRANT SPECIFIC RULEMAK-  
3 ING AUTHORITY TO THE BOARD OF PSYCHOLOGIST EXAMINERS; AMENDING CHAPTER  
4 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2316, IDAHO  
5 CODE, TO PROVIDE THAT SOME PSYCHOLOGISTS MAY ISSUE CERTAIN PRESCRIP-  
6 TIONS, TO PROVIDE THAT PRESCRIBING PSYCHOLOGISTS SHALL CONSULT WITH PA-  
7 TIENTS' MEDICAL PROVIDERS AND TO PROVIDE THAT PSYCHOLOGICAL PRESCRIP-  
8 TIONS COMPLY WITH APPLICABLE LAWS AND REGULATIONS; AND AMENDING CHAPTER  
9 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2317, IDAHO  
10 CODE, TO PROVIDE THAT PSYCHOLOGISTS MUST HAVE CERTAIN QUALIFICATIONS  
11 TO OBTAIN A CERTIFICATE OF PRESCRIPTIVE AUTHORITY, TO PROVIDE THAT THE  
12 BOARD SHALL DEVELOP RULES RELATING TO CERTIFICATES OF PRESCRIPTIVE AU-  
13 THORITY AND TO PROVIDE THAT THE BOARD SHALL ESTABLISH AN ADVISORY PANEL.  
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 54-2302. DEFINITIONS. Within the meaning of this chapter the follow-  
19 ing definitions apply:

20 (1) "Department" means the department of self-governing agencies of  
21 the state of Idaho.

22 (2) "Bureau chief" means the chief of the bureau of occupational li-  
23 censes of the state of Idaho.

24 (3) "Board" means the Idaho state board of psychologist examiners.

25 (4) "Licensed medical provider" means a physician or physician assis-  
26 tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced  
27 practice registered nurse.

28 (5) "Person," "he" and "his" mean either male or female persons unless  
29 a contrary intention is made manifest. None of these words shall be taken to  
30 mean other than a natural person.

31 (56) "Psychological services" means any services to which the words  
32 "psychological," "psychologist" or "psychology" are applied by the person  
33 rendering or offering to render them or to the "practice of psychology" as  
34 defined in subsection (67) of this section.

35 (67) "Practice of psychology" means the application of established  
36 principles of learning, motivation, perception, thinking, and emotional  
37 relationships to problems of personnel evaluation, group relations, and  
38 behavior adjustment. The application of said principles includes, but is  
39 not restricted to, counseling and the use of psychotherapeutic measures  
40 with persons or groups to eliminate symptomatic, maladaptive or undesired  
41 behavior so as to enhance interpersonal relationships in the areas of work,  
42 family, school, and personal relationships; measuring and testing of per-

1 sonality, intelligence, aptitudes, emotions, public opinion, attitudes,  
2 and skills; diagnosing and treating mental and emotional disorders or dis-  
3 abilities; and doing research on problems relating to human behavior.

4 (78) A person represents himself to be a psychologist when he holds him-  
5 self out to the public by any title or description incorporating the words  
6 "psychological," "psychologist" or "psychology" or offers to render or ren-  
7 ders psychological services for remuneration.

8 (89) "Temporary permit" means a document issued by the board to a psy-  
9 chologist licensed in another state authorizing the individual to practice  
10 psychology in Idaho for a limited period as set forth in this chapter and  
11 rules of the board.

12 SECTION 2. That Section 54-2305, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-  
15 chologist examiners shall have the following powers:

16 (1) To pass upon the qualifications and fitness of applicants for li-  
17 censes and reciprocal licenses; and, at its option to adopt and revise rules  
18 requiring applicants to pass examinations relating to their qualifications  
19 as a prerequisite to the issuance of licenses.

20 (2) To adopt, and, from time to time, revise such rules in accordance  
21 with the provisions of chapter 52, title 67, Idaho Code, and not inconsis-  
22 tent with the law as may be necessary to carry into effect the provisions of  
23 this chapter. Such rules shall include, but need not be limited to, a code  
24 of ethics for psychologists in the state consistent with the current, and as  
25 future amended, ethical standards for psychologists of the American psycho-  
26 logical association and the educational and professional qualifications of  
27 applicants for licensing under this chapter.

28 (3) To examine for, deny, approve, issue, revoke, suspend and renew  
29 the licenses of psychologists and psychologist applicants pursuant to this  
30 chapter, and to conduct hearings in connection therewith.

31 (4) To conduct hearings upon complaints concerning violations of the  
32 provisions of, and the rules adopted pursuant to, this chapter and cause the  
33 prosecution and enjoinder of all such violations.

34 (5) The board, or its duly appointed hearing officer, shall have the  
35 power in any disciplinary proceeding under this chapter, to administer  
36 oaths, take depositions of witnesses within or without the state in the  
37 manner provided by law in civil cases, and may apply to any district court  
38 of this state for a subpoena to require the attendance of such witnesses and  
39 the production of such books, records, and papers as it deems necessary. The  
40 fees and mileage of the witnesses shall be the same as that allowed in dis-  
41 trict courts in criminal cases, which fees and mileage shall be paid in the  
42 same manner as other expenses of the board are paid. In any case of disobe-  
43 dience to, or neglect of, any subpoena or subpoena duces tecum served upon  
44 any person, or the refusal of any witness to testify to any matter regarding  
45 which he may be lawfully interrogated. It shall be the duty of any district  
46 court in this state, on application by the board, to compel compliance with  
47 the subpoena by proceedings for contempt, as in the case of disobedience of  
48 the requirements of the subpoena issued from such court for refusal to tes-

1 tify therein. The licensed person accused in such proceedings shall have the  
2 same right of subpoena.

3 (6) Proceedings before the board and judicial review of the action of  
4 the board shall be governed by the provisions of chapter 52, title 67, Idaho  
5 Code.

6 (7) To authorize, by written agreement, the bureau of occupational li-  
7 censes as agent to act in its interest.

8 (8) To adopt a rule requiring continuing education as a condition of  
9 continued licensure.

10 (9) To adopt rules allowing for a temporary permit to individuals li-  
11 censed as psychologists in another state authorizing such individuals to  
12 practice psychology in Idaho for a period not to exceed thirty (30) days pur-  
13 suant to such terms and requirements as set forth in the rules.

14 (10) To establish by rule an inactive license status.

15 (11) To establish by rule the standards and requirements for the use of  
16 communication technology in the practice of psychology, including supervi-  
17 sion.

18 (12) To establish by rule a certificate of prescriptive authority pur-  
19 suant to section 54-2317, Idaho Code, and to establish by rule a method of  
20 gathering and evaluating data from prescribing psychologists.

21 SECTION 3. That Chapter 23, Title 54, Idaho Code, be, and the same is  
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
23 ignated as Section 54-2316, Idaho Code, and to read as follows:

24 54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under  
25 this chapter shall issue a prescription without a valid certificate of pre-  
26 scriptive authority issued pursuant to section 54-2317, Idaho Code.

27 (2) Psychologists licensed under this chapter who hold a certificate of  
28 prescriptive authority shall prescribe only those drugs or controlled sub-  
29 stances that are:

30 (a) Recognized in or customarily used in the diagnosis, treatment and  
31 management of individuals with psychiatric, mental, cognitive, ner-  
32 vous, emotional or behavioral disorders;

33 (b) Relevant to the practice of psychology or other procedures directly  
34 related thereto; and

35 (c) Within the scope of the psychologist's license and certificate of  
36 prescriptive authority.

37 (3) A psychologist who issues a prescription to a patient pursuant  
38 to this section shall collaborate with the patient's licensed medical  
39 provider.

40 (4) All prescriptions issued pursuant to this section shall comply with  
41 applicable federal and state laws and regulations.

42 SECTION 4. That Chapter 23, Title 54, Idaho Code, be, and the same is  
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
44 ignated as Section 54-2317, Idaho Code, and to read as follows:

45 54-2317. PRESCRIPTIVE AUTHORITY -- CERTIFICATE. (1) To qualify for a  
46 certificate of prescriptive authority, a psychologist licensed under this

1 chapter shall meet such standards as prescribed by rule of the board. At a  
2 minimum, these standards shall include:

3 (a) A current license to practice psychology in Idaho;

4 (b) A doctorate degree in psychology;

5 (c) A master's degree in clinical psychopharmacology from a region-  
6 ally accredited institution of higher education approved by the United  
7 States department of education, or training approved by the board that  
8 is substantially equivalent to such a master's degree. The didactic  
9 portion of the education shall consist of sufficient hours to ensure  
10 the necessary knowledge and skills to prescribe in a safe and effective  
11 manner;

12 (d) Clinical experience which, as determined by the board, is suffi-  
13 cient to attain competency in the psychopharmacological treatment of  
14 a diverse patient population under the direction of qualified practi-  
15 tioners including, but not limited to, licensed physicians or prescrib-  
16 ing psychologists; and

17 (e) A passing score on an examination developed by a nationally recog-  
18 nized body and approved by the board.

19 (2) The board shall develop rules to effect the purposes of section  
20 54-2316, Idaho Code, and this section. Such rules shall include educa-  
21 tional and training standards necessary to qualify for a certificate of  
22 prescriptive authority, application and testing procedures, and fees for  
23 application, certification and renewal, such fees not to exceed three hun-  
24 dred dollars (\$300) each.

25 (3) The board shall establish an advisory panel to review and advise  
26 the board on proposed prescriptive rules governing the prescriptive author-  
27 ity for psychologists. If requested by the board, the panel may be consulted  
28 on complaints against psychologists with prescriptive authority. The panel  
29 shall be comprised of a psychiatrist and a pediatrician recommended by the  
30 board of medicine, a pharmacist holding a doctoral-level degree recommended  
31 by the board of pharmacy and three psychologists licensed in Idaho.