

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 2997

 By: Randleman

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6
7 AS INTRODUCED

8 An Act relating to practice of psychology; defining
9 terms; allowing licensed psychologist to prescribe
10 psychotropic drugs under certain conditions;
11 providing for application for conditional
12 prescription certificate; stating application
13 criteria; providing for issuance of, expiration of,
14 and reapplication for certificate; listing conditions
15 under which licensed psychologist may prescribe
16 psychotropic drugs under conditional prescription
17 certificate; providing certain immunity; providing
18 for application for prescription certificate; stating
19 application criteria; listing conditions under which
20 licensed psychologist may prescribe psychotropic
21 drugs under prescription certificate; directing
22 promulgation of rules; providing for codification;
23 and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1371.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

- 1 1. "Board" means, unless otherwise explicitly stated, the State
2 Board of Examiners of Psychologists;
- 3 2. "Conditional prescription certificate" means a document
4 issued by the State Board of Examiners of Psychologists to a
5 licensed psychologist that permits the holder to prescribe
6 psychotropic medication under the supervision of a supervising
7 physician;
- 8 3. "Prescription certificate" means a document issued by the
9 State Board of Examiners of Psychologists to a licensed psychologist
10 that permits the holder to prescribe psychotropic medication;
- 11 4. "Psychologist" has the same meaning as provided in Section
12 1352 of Title 59 of the Oklahoma Statutes;
- 13 5. "Psychotropic medication" means a controlled substance or
14 drug that may not be dispensed or administered without a
15 prescription and whose primary use has been approved by the federal
16 Food and Drug Administration for the treatment of mental disorders
17 or is listed as a psychotherapeutic agent in Drug Facts and
18 Comparisons 2017, or the most recent edition of that book, or in
19 American Hospital Formulary Service Drug Information, and includes
20 antidepressants, anti-anxiety medications, stimulants,
21 antipsychotics, and mood stabilizers; and
- 22 6. "Supervising physician" means a licensed allopathic
23 physician or osteopathic physician who is supervising a psychologist
24 in the prescribing of psychotropic medication.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1371.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A licensed psychologist holding a conditional prescription
5 certificate may prescribe psychotropic medication under the
6 supervision of a supervising physician.

7 B. A licensed psychologist holding a prescription certificate
8 may prescribe psychotropic medication independent of the supervision
9 of a supervising physician.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1371.3 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A psychologist may apply to the State Board of Examiners of
14 Psychologists for a conditional prescription certificate. The
15 application shall be made on a form approved by the Board and be
16 accompanied by evidence satisfactory to the Board that the
17 applicant:

18 1. Has completed a doctoral program in psychology from an
19 accredited institution of higher education or professional school,
20 or, if the program was not accredited at the time of the applicant's
21 graduation, that the program meets professional standards determined
22 acceptable by the Board;

23 2. Holds a current license to practice psychology in this
24 state;

1 3. Has successfully completed a postdoctoral master of science
2 degree in psychopharmacology from an institution of higher education
3 approved by the State Board of Examiners of Psychologists, the State
4 Board of Medical Licensure and Supervision, and the State Board of
5 Osteopathic Examiners;

6 4. Has passed a national certification examination approved by
7 the State Board of Examiners of Psychologists, the State Board of
8 Medical Licensure and Supervision, and the State Board of
9 Osteopathic Examiners that tests the applicant's knowledge of
10 pharmacology in the diagnosis, care, and treatment of mental
11 disorders;

12 5. Within the five (5) years immediately preceding the date of
13 application, has successfully completed an organized program of
14 education approved by the State Board of Examiners of Psychologists,
15 the State Board of Medical Licensure and Supervision, and the State
16 Board of Osteopathic Examiners which included didactic instruction
17 of no fewer than four hundred fifty (450) classroom hours in at
18 least the following core areas of instruction:

- 19 a. neuroscience,
- 20 b. pharmacology,
- 21 c. psychopharmacology,
- 22 d. physiology,
- 23 e. pathophysiology,

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1 f. appropriate and relevant physical and laboratory
2 assessment, and

3 g. clinical pharmacotherapeutics; or

4 6. Within the five (5) years immediately preceding the date of
5 application, has been certified by each of the applicant's
6 supervising physicians as having successfully completed a supervised
7 and relevant clinical experience, approved by the State Board of
8 Examiners of Psychologists, the State Board of Medical Licensure and
9 Supervision, and the State Board of Osteopathic Examiners, of:

10 a. no less than an eighty-hour practicum in clinical
11 assessment and pathophysiology under the supervision
12 of a licensed allopathic or osteopathic physician, and

13 b. an additional supervised practicum of at least four
14 hundred (400) hours treating no fewer than one hundred
15 patients with mental disorders. The practicum to have
16 been supervised one-to-one by any one or a combination
17 of a psychiatrist or other appropriately trained
18 licensed allopathic or osteopathic physician and
19 determined by the State Board of Examiners of
20 Psychologists, the State Board of Medical Licensure
21 and Supervision, and the State Board of Osteopathic
22 Examiners to be sufficient to competently train the
23 applicant in the treatment of a diverse patient
24 population. One-to-one supervision shall be provided

1 either face-to-face, telephonically, or by
2 videoconference.

3 B. The State Board of Examiners of Psychologists shall issue a
4 conditional prescription certificate if it finds that the applicant
5 has met the requirements of subsection A of this section. The
6 certificate shall be valid for a period of two (2) years, at the end
7 of which the holder may again apply pursuant to the provisions of
8 subsection A of this section.

9 C. A psychologist with a conditional prescription certificate
10 may prescribe psychotropic medication under the supervision of a
11 supervising physician subject to the following conditions:

12 1. The psychologist shall continue to hold a current license to
13 practice psychology in this state and shall maintain malpractice
14 insurance in accordance with rules prescribed by the Board;

15 2. The psychologist shall notify the Board of the name of the
16 psychologist's supervising physician; and

17 3. A supervising physician shall notify the supervising
18 physician's own licensing board of the name of each psychologist
19 under the supervising physician's supervision.

20 D. A supervising physician shall not be liable for the acts of
21 a psychologist under the supervising physician's supervision unless
22 an injury or loss arises from those acts under the direction and
23 control of the supervising physician.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1371.4 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A psychologist may apply to the State Board of Examiners of
5 Psychologists for a prescription certificate. The application shall
6 be made on a form approved by the Board and be accompanied by
7 evidence satisfactory to the Board that the applicant:

8 1. Has been issued a conditional prescription certificate and
9 has successfully completed two (2) years of prescribing psychotropic
10 medication as certified by the supervising physician;

11 2. Has successfully undergone a process of independent peer
12 review approved by the State Board of Examiners of Psychologists,
13 the State Board of Medical Licensure and Supervision, and the State
14 Board of Osteopathic Examiners;

15 3. Holds a current license to practice psychology in this
16 state;

17 4. Has malpractice insurance in place, sufficient to satisfy
18 the rules adopted by the State Board of Examiners of Psychologists,
19 that will cover the applicant as a prescribing psychologist; and

20 5. Meets all other requirements, as determined by rules of the
21 State Board of Examiners of Psychologists, for obtaining a
22 prescription certificate.
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1 B. The State Board of Examiners of Psychologists shall issue a
2 prescription certificate if it finds that the applicant has met the
3 requirements of subsection A of this section.

4 C. A psychologist with a prescription certificate may prescribe
5 psychotropic medication pursuant to the provisions of this act if
6 the psychologist:

7 1. Continues to hold a current license to practice psychology
8 in this state and continues to maintain malpractice insurance; and

9 2. Annually satisfies the continuing education requirements for
10 prescribing psychologists, as set by the Board, which shall be no
11 fewer than twenty (20) hours each year.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1371.5 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The State Board of Examiners of Psychologists shall
16 promulgate rules providing for the procedures to be followed in
17 obtaining a conditional prescription certificate, a prescription
18 certificate, and renewals of a conditional prescription certificate.
19 The Board may set reasonable application and renewal fees.

20 B. The State Board of Examiners of Psychologists shall
21 promulgate rules establishing the grounds for denial, suspension, or
22 revocation of conditional prescription certificates and prescription
23 certificates authorized to be issued pursuant to this act, including
24 a provision for suspension or revocation of a license to practice

1 psychology upon suspension or revocation of a certificate. Actions
2 of denial, suspension, or revocation of a certificate shall be in
3 accordance with the Administrative Procedures Act.

4 SECTION 6. This act shall become effective November 1, 2024.

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6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/15/2024 -
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