

HOUSE BILL 749

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 53; Title 63 and Title 68, to provide
prescriptive authority for certain psychologists with
specialized, advanced training.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding
the following as new Part 3:

63-11-301. As used in this part, unless the context otherwise requires:

(1) "Board" means the Tennessee board of examiners in psychology;

(2) "Certificate to prescribe" means a certification, granted to a prescribing
psychologist by the board following the completion of the requirements in this part,
authorizing a prescribing psychologist to exercise independent prescriptive authority;

(3) "Controlled substance" means any drug substance or immediate precursor
enumerated in Schedules I-VI of the U.S. Drug Enforcement Administration Controlled
Substance Act and as adopted by the Tennessee Food, Drug, and Cosmetic Act
compiled in title 53, chapter 1;

(4) "Drug" means articles, not including devices or their components, parts, or
accessories, that are:

(A) Recognized in the official United States Pharmacopoeia, Official
Homeopathic Pharmacopoeia of the United States, Official National Formulary,
or any supplement to any of them;

(B) Intended for use in the diagnosis, cure, mitigation, treatment, or
prevention of disease in humans or other animals;

(C) Intended, other than food, to affect the structure or any function of the body of humans or other animals; and

(D) Intended for use as a component of any article specified in subdivisions (4)(A)-(C);

(5) "Narcotic" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(B) Any salt, compound, isomer, derivative, or preparation thereof that is chemically equivalent or identical with any of the substances referred to in subdivision (15)(A), but not including the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw; and

(D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine;

(6)

(A) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.

(B) "Opiate" does not include, unless specifically designated as controlled under § 39-17-403, the dextrorotatory isomer of 3-methoxy-methyl-morphinan

and its salts (dextromethorphan). “Opiate” does not include its racemic and levorotatory forms;

(7) “Prescribe” means the act of ordering a prescription, whether verbally or in writing;

(8) “Prescribing psychologist” means a licensed, doctoral-level psychologist who has fulfilled the additional requirements for a certificate to prescribe and has consequently received from the board a current certificate to prescribe that has not been revoked or suspended;

(9) “Prescription” means an order for a drug, laboratory test, or any medicine, device or treatment, or the decision to order to continue, change the dose of, or discontinue the order of a drug, device, or treatment, irrespective of the origin of the prescription;

(10) “Prescriptive authority” means the authority to engage in the evaluation and management of patients as defined by the most recent edition of AMA’s Guide to Current Procedural Terminology and to generate prescriptions, administer, discontinue and distribute, without charge, any drug, laboratory test, or any medicine, device or treatment, including a controlled substance rational to the practice of psychology or recognized or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, or behavioral disorders, or other procedures directly related thereto within the scope of practice of psychology in accordance with rules and regulations adopted by the board; and

(11) “Schedule II” and “Schedule III” drugs means controlled substances listed in §§ 39-17-408 and 39-17-410, respectively.

63-11-302.

(a) The board shall certify licensed, doctoral-level psychologists to exercise prescriptive authority in accordance with applicable state and federal laws.

(b) The board shall develop and implement procedures for reviewing education and training credentials for the certification process in accordance with current standards of professional psychological practice.

63-11-303.

(a) A psychologist who applies for prescriptive authority shall demonstrate by official transcript or other official evidence satisfactory to the board that such psychologist:

(1) Holds a current license at the doctoral level to provide health care services as a psychologist in this state;

(2) Has completed an organized program leading to a post-doctoral master's degree in clinical psychopharmacology from a regionally accredited college or university, or its equivalent as determined by the board, which offers intensive didactic education, including the following core areas of instruction: basic life sciences, neurosciences, clinical and research pharmacology and psychopharmacology, physiology, pathophysiology, physical assessment and laboratory exams, clinical pharmacotherapeutics, research, professional, ethical and legal issues. The didactic portion of the education shall consist of at least four hundred fifty (450) contact hours;

(3) Has passed an examination developed by a nationally recognized body, such as the Psychopharmacology Examination for Psychologists (PEP), developed by the American Psychological Association Practice Organization's College of Professional Psychology and its contractor, the Professional Examination Service, the International College of Prescribing Psychologists

examination, or other similar prescribing examinations as approved by the board;
and

(4) Has successfully completed a practicum of at least one (1) year in length, completing psychopharmacological evaluations of a minimum of one hundred (100) patients while under the supervision of a physician or prescribing psychologist.

(b) After completing the requirements of subsection (a) a psychologist may apply for a certificate to prescribe as a prescribing psychologist. The board shall develop procedures for authorizing this certification.

63-11-304.

(a) The board shall prescribe by rule a method for the renewal of prescriptive authority at the time of or in conjunction with the renewal of licenses.

(b) Prescribing psychologists shall comply with continuing education requirements for psychologists set by the board. In addition, each applicant for renewal of prescriptive authority shall present to the board satisfactory evidence demonstrating completion of an additional twenty (20) contact hours of continuing education instruction relevant to prescriptive authority during the previous two (2) year licensure renewal period.

63-11-305.

(a) Prescribing psychologists shall exercise prescriptive authority and generate prescriptions in accordance with this part.

(b) No psychologist without a valid certificate of prescriptive authority shall issue a prescription.

(c) Each prescription issued by a prescribing psychologist shall:

(1) Comply with all applicable state and federal laws and regulations; and

(2) Be identified as written by the prescribing psychologist in such manner as determined by the board.

(d) A record of all prescriptions shall be maintained in the patient's record.

(e) A psychologist shall not delegate authority to prescribe drugs to any other person.

(f) Prescribing psychologists shall not administer electroconvulsive therapy (ECT).

(g) Prescribing psychologists shall not prescribe narcotics or opiates.

(h) Prescribing psychologists shall not prescribe Schedule II or Schedule III drugs; however, they are authorized to discontinue or prescribe a tapering regimen for these drugs for patients who have been prescribed such drugs by other practitioners.

(i) Prescribing psychologists shall not prescribe medications for patients who are not concurrently under the care of a treating physician or primary care provider.

(j) Whenever prescribing, the prescribing psychologist shall communicate promptly with one (1) of the patient's treating physicians or primary care providers, either in writing or verbally, the prescribing treatment plan for the patient. In addition, when changing a prescribing treatment plan, the prescribing psychologist shall promptly recontact one of the patient's treating physicians or primary care providers to communicate the updated prescribing treatment plan. The prescribing psychologist shall document all prescribing treatment plan communications in the patient's medical record.

(k) Psychologists authorized to prescribe controlled substances shall file in a timely manner their Drug Enforcement Agency (DEA) registration and number with the board.

(l) The board shall maintain current records of every psychologist authorized to prescribe, including the DEA registration and number of psychologists.

63-11-306.

(a) The board shall transmit to the board of pharmacy a list of psychologists authorized to prescribe. The list shall contain:

(1) The name of the psychologist;

(2) The psychologist's identification number assigned by the board of examiners in psychology; and

(3) The effective date of prescriptive authority.

(b) The board shall forward promptly to the board of pharmacy additions to this list as new certificates are issued.

(c) The board shall notify timely the board of pharmacy upon terminating, suspending, or reinstating a psychologist's prescriptive authority.

63-11-307. Notwithstanding any law or rule or regulation to the contrary, it shall be considered to be within the scope of practice for a registered nurse, licensed practical nurse, polysomnographer, or other non-prescribing healthcare professional licensed under title 63 to execute and effectuate any verbal or written order or direction otherwise within the scope of practice of such health care provider when that order is within the scope of practice of psychology and given by a psychologist or prescribing psychologist.

63-11-308. The board shall promulgate rules and regulations for denying, modifying, suspending, or revoking the prescriptive authority or license of a psychologist authorized to prescribe. The board 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.

SECTION 2. Tennessee Code Annotated, Section 63-11-204, is amended by deleting the period at the end of subsection (a) and by substituting instead the following: "with the

exception of diagnosis and treatment rendered by a prescribing psychologist in accordance with § 63-11-227.”

SECTION 3. Tennessee Code Annotated, Section 53-10-105(a), is amended by inserting the language “prescribing psychologist pursuant to title 63, chapter 11, part 3,” between the language “63-8-102(12),” and the language “or veterinarian.”

SECTION 4. Tennessee Code Annotated, Section 53-10-105(b)(2), is amended by inserting the language “prescribing psychologist pursuant to title 63, chapter 11, part 3,” between the language “63-8-102(12),” and the language “or veterinarian” wherever it may be found.

SECTION 5. Tennessee Code Annotated, Section 63-10-204(38), is amended by inserting the language “prescribing psychologist authorized pursuant to chapter 11, part 3 of this title,” between the language “63-8-102(12),” and the language “or other allied medical practitioner.”

SECTION 6. Tennessee Code Annotated, Section 63-7-103(a)(2)(D), is amended by inserting the language “, prescribing psychologist authorized pursuant to part 3 of this chapter, ” between the word “podiatrist” and the language “or nurse.”

SECTION 7. Tennessee Code Annotated, Section 39-17-402(23)(A), is amended by inserting the language “prescribing psychologist,” between the language “optometrist,” and the word “veterinarian.”

SECTION 8. Tennessee Code Annotated, Section 68-29-121(a), is amended by inserting the language “, or a prescribing psychologist” after the language “chiropractic physician,” and before the language “designated entity.”

SECTION 9. Tennessee Code Annotated, Section 68-29-121(b), is amended by inserting the language “or a prescribing psychologist,” after the language “chiropractic physician,” and before the language “or other health care professionals.”

SECTION 10. Tennessee Code Annotated, Section 63-11-218(a), is amended by adding the following language immediately before the period of the first sentence of the subsection ", as well as any initial application fees and other costs specifically associated with the any renewal of certification requirements as a prescribing psychologist."

SECTION 11. Tennessee Code Annotated, Section 63-31-101, is amended by adding the language, "or prescribing psychologist who is a diplomate of the American Board of Sleep Medicine" after the word "physician" wherever it may be found.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.