

HOUSE BILL 2181

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 17; Title 39; Title 53, Chapter 10, Part 1; Section 63-10-204; Title 63, Chapter 11, Part 2; Section 63-11-218; Section 63-31-101; Section 63-7-103; and Section 68-29-121, relative to psychologists.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 11, Part 2, is amended by adding a new section thereto, as follows:

Section 63-11-227. As used in this section, unless the context otherwise requires:

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

(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 and as adopted by The Tennessee Food, Drug, and Cosmetic Act compiled in title 53, chapter 1;

(3) "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 (3)(A)-(C);

(4) "Prescribing psychologist" means a licensed, doctoral-level psychologist who has fulfilled the additional requirements for a certificate to prescribe set forth by the board, and has received from the board a certificate to prescribe, which has not been revoked or suspended;

(5) "Prescription" means an order for a drug, laboratory test, or any medicine, device or treatment, including a controlled substance, except narcotics, or the decision to order the continuation of, change the dose of, or the discontinuation of a drug, device, or treatment, irrespective of the origin of the prescription;

(6) "Prescribe" means as the act of ordering a prescription, whether verbally or in writing;

(7) "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, or distribute, without charge, any drug, laboratory test, or any medicine, device or treatment, including a controlled substance, as defined by state law, rational to the practice of psychology and/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;

(8) "Certificate to prescribe" means a certification granted to a prescribing psychologist by the board whereby the prescribing psychologist may exercise independent prescriptive authority; and

(9) "Narcotic" refers to those drugs and substances so defined in Section 39-17-402(17).

(b)(1) The board shall certify licensed, doctoral-level psychologists to exercise prescriptive authority in accordance with applicable state and federal laws.

(2) 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.

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

(1) The psychologist holds a current license at the doctoral level to provide health care services as a psychologist in Tennessee;

(2) The psychologist 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) The psychologist 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 examination as approved by the board.

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

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

(e)(1) The board shall prescribe by rule and regulation a method for the renewal of prescriptive authority at the time of or in conjunction with the renewal of licenses.

(2) Prescribing psychologists shall be required to fulfill the continuing education requirements for psychologists set by the board. Each applicant for renewal of prescriptive authority shall present satisfactory evidence to the board demonstrating the 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.

(f)

(1) Prescribing psychologists shall exercise prescriptive authority and generate prescriptions in accordance with the provisions of this act.

(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 board.

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

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

(6) Prescribing psychologists shall not administer electroconvulsive therapy.

(7) Prescribing psychologists shall not prescribe narcotics.

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

(9) All prescribing psychologists shall participate in TennCare.

(10) Whenever prescribing, the prescribing psychologist shall collaboratively develop with one (1) of the patient's treating physicians or primary care providers a mutually agreed-upon prescribing treatment plan for the patient. Prior to adding a medication or exceeding a dosage specified in the initial treatment plan, the prescribing psychologist shall re-contact one (1) of the patient's treating physicians or primary care providers to collaborate on an updated, mutually agreed-upon prescribing treatment plan. The prescribing psychologist shall document all prescribing treatment plan collaborations in the patient's medical record.

(g)(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 with the board.

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

(h)(1) The board shall transmit to the state board of pharmacy a 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 board of examiners in psychology; and

(C) The effective date of prescriptive authority.

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

(3) The board shall notify the state board of pharmacy in a timely manner upon termination, suspension, or reinstatement of a psychologist's prescriptive authority.

(i)(1) 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 to such health care provider by a psychologist or prescribing psychologist.

(j) The board shall promulgate rules and regulations pursuant to title 4, chapter 5, for the denial, modification, suspension, or revocation of the prescriptive authority or license of a psychologist. 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(a), is amended by deleting the period at the end of the subsection and by substituting instead the language "with the exception of diagnosis and treatment rendered by a prescribing psychologist in accordance with Section 63-11-227."

SECTION 3. Tennessee Code Annotated, Section 53-10-105(a), is amended by inserting the language "prescribing psychologist pursuant to Section 63-11-227," between the language "63-8-102(12)" and "or veterinarian".

SECTION 4. Tennessee Code Annotated, Section 53-10-105(b)(2), is amended by inserting the language “prescribing psychologist pursuant to Section 63-11-227” between the language “63-8-102(12),” and “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 Section 63-11-203” between the language “63-8-102(12),” and the words “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 Section 63-11-227” 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 word “optometrist” and the word “veterinarian”.

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

SECTION 9. Tennessee Code Annotated, Section 68-29-121(b), is amended by inserting the language “, or a prescribing psychologist” after the words “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.