

ASSEMBLY, No. 2892

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 10, 2014

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

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District 31 (Hudson)

Assemblyman JACK M. CIATTARELLI

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Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Moriarty, Caputo and Wolfe

SYNOPSIS

Grants prescriptive authority to certain psychologists.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2015)

1 AN ACT concerning psychologists and supplementing chapter 14B
2 of Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Board" means the State Board of Psychological Examiners
9 established pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).

10 "Clinical experience" means a period of supervised training and
11 practice in which clinical diagnoses and interventions are learned
12 and which are conducted and supervised as part of the training
13 program.

14 "Controlled dangerous substance" means controlled dangerous
15 substance as defined in section 2 of P.L.1970, c.226 (C.24:21-2),
16 and includes any substances listed in Schedules I through V of the
17 federal "Controlled Substances Act," Pub.L.91-513 (21 U.S.C.
18 s.801 et seq.) as adopted by regulation of the Department of Health
19 and Senior Services.

20 "Drugs" means drugs as defined in section 2 of P.L.1970, c.226
21 (C.24:21-2).

22 "Licensed practicing psychologist" means a licensed, practicing
23 psychologist as defined in section 2 of P.L.1966, c.282 (C.45:14B-
24 2).

25 "Prescribing psychologist" means a licensed practicing
26 psychologist with a doctoral-level degree who: (1) has successfully
27 graduated with a postdoctoral master's degree in clinical
28 psychopharmacology from a regionally accredited institution of
29 higher education or has completed equivalent training to the
30 postdoctoral master's degree approved by the board; (2) has passed
31 an examination approved by the board that is relevant to
32 establishing competence for prescribing, as described in section 3 of
33 this act; and (3) has received from the board a certificate granting
34 prescriptive authority, which is current and has not been revoked or
35 suspended.

36 "Prescription" means prescription as defined in section 2 of
37 P.L.2003, c.280 (C.45:14-41), and includes a controlled dangerous
38 substance.

39 "Prescriptive authority" means the authority to: (1) prescribe,
40 administer, discontinue, and distribute drugs, including controlled
41 dangerous substances, recognized in or customarily used in the
42 diagnosis, treatment, and management of a person with a
43 psychiatric, mental, cognitive, nervous, emotional, or behavioral
44 disorder, or other procedure directly related thereto, within the
45 scope of practice of psychology in accordance with rules and
46 regulations adopted pursuant to this act; and (2) order and interpret
47 tests consistent with prescriptive authority as provided in this act.

1 2. The board shall:

2 a. issue a certificate granting prescriptive authority, in
3 accordance with applicable State and federal laws, to a licensed
4 practicing psychologist with a doctoral-level degree, who meets the
5 criteria specified in paragraphs (1) and (2) of the definition of
6 prescribing psychologist in section 1 of this act;

7 b. develop and implement procedures for reviewing the
8 education and training credentials for issuing such certificates in
9 accordance with current standards of professional practice; and

10 c. prescribe, by regulation, a method for the renewal of
11 prescriptive authority at the time of, or in conjunction with, the
12 renewal of a prescribing psychologist's license pursuant to
13 P.L.1966, c.282 (C.45:14B-1 et seq.). Each applicant for renewal of
14 prescriptive authority shall present evidence satisfactory to the
15 board, demonstrating the completion of 18 contact hours of
16 continuing education instruction relevant to prescriptive authority
17 during the previous two-year license period of the licensee.

18

19 3. A licensed practicing psychologist who applies for
20 prescriptive authority shall demonstrate, by submitting to the board
21 an official transcript or other official evidence satisfactory to the
22 board, compliance with the following standards:

23 a. The psychologist holds a doctoral-level degree and has:

24 (1) completed a postdoctoral master's degree in clinical
25 psychopharmacology from a regionally accredited institution of
26 higher education or training equivalent to the postdoctoral master's
27 degree approved by the board. The postdoctoral master's degree in
28 clinical psychopharmacology or equivalent training shall include a
29 structured sequence of study in an organized program offering
30 intensive didactic education, including the following core areas of
31 instruction: basic life sciences, neurosciences, clinical and research
32 pharmacology and psychopharmacology, clinical medicine and
33 pathophysiology, physical assessment and laboratory exams,
34 clinical pharmacotherapeutics, and research, professional, ethical,
35 and legal issues.

36 The didactic portion of the education shall consist of at least 400
37 hours, as recommended by the American Psychological
38 Association, to ensure acquisition of the necessary knowledge and
39 skills to prescribe in a safe and effective manner; and

40 (2) obtained relevant clinical experience sufficient to attain
41 competency in the psychopharmacological treatment of a diverse
42 patient population under the direction of qualified practitioners,
43 including, but not limited to, licensed physicians or prescribing
44 psychologists, as determined by the board; and

45 b. A prescribing psychologist shall pass an examination
46 developed by a nationally recognized body, such as the American
47 Psychological Association Practice Organization's College of
48 Professional Psychology, and approved by the board.

- 1 4. a. A prescribing psychologist shall exercise prescriptive
2 authority in accordance with rules and regulations adopted pursuant
3 to this act, which shall include rules and regulations relating to
4 standards and procedures for consultation and collaboration
5 between a psychologist and a patient's physician of record.
- 6 b. A prescribing psychologist shall not issue a prescription
7 unless the psychologist holds a certificate of prescriptive authority
8 which is current and has not been revoked or suspended.
- 9 c. In the event a patient does not have a physician of record, a
10 prescribing psychologist shall not prescribe for that patient.
- 11 d. A prescribing psychologist shall consult and collaborate with
12 a patient's physician of record as follows:
- 13 (1) prescribing psychologists shall prescribe only in consultation
14 and collaboration with a patient's physician of record, and with the
15 concurrence of that physician; and
- 16 (2) the prescribing psychologist shall consult with the patient's
17 physician of record, and obtain concurrence upon initiating, and
18 prior to making changes to a medication treatment plan, and upon
19 termination of a medication.
- 20 e. Each prescription issued by a prescribing psychologist shall:
- 21 (1) comply with all applicable State and federal laws and
22 regulations relating to prescriptive authority; and
- 23 (2) be identified as written by a prescribing psychologist, in
24 such manner as determined by the board.
- 25 f. A record of all prescriptions issued for a patient and all
26 consultations with the physician of record of a patient shall be
27 maintained in the patient's record.
- 28 g. A prescribing psychologist shall not delegate his prescriptive
29 authority to any other person.
- 30
- 31 5. a. A prescribing psychologist, when prescribing a controlled
32 dangerous substance, shall file with the board in a timely manner
33 the prescribing psychologist's Drug Enforcement Administration
34 registration and number, and the State controlled dangerous
35 substance license number, if applicable.
- 36 b. The board shall maintain current records of each prescribing
37 psychologist with prescriptive authority, including the
38 psychologist's Drug Enforcement Administration registration and
39 number.
- 40
- 41 6. a. The board shall transmit to the New Jersey State Board of
42 Pharmacy a list of prescribing psychologists. The list shall include,
43 for each prescribing psychologist:
- 44 (1) the person's name;
- 45 (2) the identification number assigned to the person by the
46 board; and
- 47 (3) the effective date of the person's prescriptive authority.

1 b. As a new certificate granting prescriptive authority is issued,
2 the board shall update the list specified in subsection a. of this
3 section by promptly forwarding to the New Jersey State Board of
4 Pharmacy information specified in subsection a. of this section.

5 c. The board shall notify the New Jersey State Board of
6 Pharmacy, in a timely manner, upon termination, suspension, or
7 reinstatement of prescriptive authority of a prescribing
8 psychologist.

9
10 7. An interim advisory panel shall be established to prepare
11 proposed rules and regulations governing prescribing authority for
12 psychologists. The interim panel shall be comprised of a
13 psychiatrist and a pediatrician selected by the State Board of
14 Medical Examiners, a pharmacist holding a doctoral-level degree
15 selected by the New Jersey State Board of Pharmacy, a psychologist
16 who has completed a postdoctoral master's degree in clinical
17 psychopharmacology selected by the State Board of Psychological
18 Examiners, and the Director of the Fairleigh Dickinson University's
19 M.S. Program in Clinical Psychopharmacology. The interim panel
20 is to be selected within 90 days of the enactment date of this bill.
21 Panel members shall be directly responsible to the Director of the
22 Division of Consumer Affairs. The panel shall have 120 days
23 following the appointment of the majority of the panel to submit to
24 the State Board of Psychological Examiners its recommendations,
25 or if the panel fails to meet the 120-day submission deadline, the
26 panel shall cease to exist.

27
28 8. Pursuant to the "Administrative Procedure Act," P.L.1968,
29 c.410 (C.52:14B-1 et seq.), and section 7 of this act, the board shall
30 adopt rules and regulations to effectuate the purposes of this act.

31
32 9. This act shall take effect on the first day of the seventh
33 month next following the date of enactment, but the board may take
34 such anticipatory administrative action in advance thereof as shall
35 be necessary for the implementation of this act.

36
37
38 STATEMENT
39

40 This bill provides for certain licensed psychologists to prescribe
41 medications.

42 As provided in this bill, the State Board of Psychological
43 Examiners (board) shall issue a certificate of "prescriptive
44 authority" to a licensed practicing psychologist with a doctoral-
45 level degree, who: (1) has successfully graduated with a
46 postdoctoral master's degree in clinical psychopharmacology from a
47 regionally accredited institution of higher education or has
48 completed equivalent training to the postdoctoral master's degree

1 approved by the board; and (2) has passed an examination approved
2 by the board that is relevant to establishing competence for
3 prescribing drugs.

4 "Prescriptive authority" is defined in the bill as the authority to:
5 (1) prescribe, administer, discontinue, and distribute drugs,
6 including controlled dangerous substances, recognized in or
7 customarily used in the diagnosis, treatment, and management of a
8 person with a psychiatric, mental, cognitive, nervous, emotional, or
9 behavioral disorder, or other procedure directly related thereto,
10 within the scope of practice of psychology in accordance with rules
11 and regulations adopted pursuant to the bill; and (2) order and
12 interpret tests consistent with prescriptive authority as provided in
13 this bill.

14 Under the provisions of the bill, in addition to issuing a
15 certificate of prescriptive authority, the board is mandated to
16 develop and implement procedures for reviewing the education and
17 training credentials for issuing such certificates in accordance with
18 current standards of professional practice.

19 The bill provides that a licensed practicing psychologist who
20 applies for prescriptive authority must demonstrate, by submitting
21 to the board an official transcript or other official evidence
22 satisfactory to the board, compliance with the following standards:

- 23 • The psychologist holds a doctoral-level degree and has:
 - 24 -- completed a postdoctoral master's degree in clinical
25 psychopharmacology from a regionally accredited institution of
26 higher education or training equivalent to the postdoctoral
27 master's degree approved by the board. The degree in clinical
28 psychopharmacology or equivalent training must include a
29 structured sequence of study in an organized program offering
30 intensive didactic education, including the following core areas
31 of instruction: basic life sciences, neurosciences, clinical and
32 research pharmacology and psychopharmacology, clinical
33 medicine and pathophysiology, physical assessment and
34 laboratory exams, clinical pharmacotherapeutics, and research,
35 professional, ethical, and legal issues. In addition, the didactic
36 portion of the education must consist of at least 400 hours; and
 - 37 -- obtained relevant clinical experience sufficient to attain
38 competency in the psychopharmacological treatment of a diverse
39 patient population under the direction of qualified practitioners,
40 including, but not limited to, licensed physicians or prescribing
41 psychologists, as determined by the board.

42 A prescribing psychologist must pass an examination developed
43 by a nationally recognized body, such as the American
44 Psychological Association Practice Organization's College of
45 Professional Psychology, and approved by the board.

46 The bill also specifies that:

- 47 • A prescribing psychologist shall exercise prescriptive authority
48 in accordance with rules and regulations adopted pursuant to the

- 1 bill, which shall include rules and regulations relating to
2 standards and procedures for consultation and collaboration
3 between a psychologist and a patient's physician of record;
- 4 • A prescribing psychologist shall not issue a prescription unless
5 the psychologist holds a certificate of prescriptive authority
6 which is current and has not been revoked or suspended;
 - 7 • In the event a patient does not have a physician of record, a
8 prescribing psychologist shall not prescribe for that patient;
 - 9 • A prescribing psychologist shall consult and collaborate with a
10 patient's physician of record as follows: (1) prescribing
11 psychologists shall prescribe only in consultation and
12 collaboration with a patient's physician of record, and with the
13 concurrence of that physician; and (2) the prescribing
14 psychologist shall consult with the patient's physician of record,
15 and obtain concurrence upon initiating, and prior to making
16 changes to a medication treatment plan, and upon termination of
17 a medication;
 - 18 • A prescribing psychologist shall consult and collaborate with a
19 patient's physician of record as follows: (1) prescribing
20 psychologists shall prescribe only in consultation and
 - 21 • Each prescription issued by a prescribing psychologist shall:
22 -- comply with all applicable State and federal laws and
23 regulations relating to prescriptive authority; and
24 -- be identified as written by a prescribing psychologist, in such
25 manner as determined by the board;
 - 26 • A record of all prescriptions issued for a patient and all
27 consultations with the physician of record shall be maintained in
28 the patient's record;
 - 29 • A prescribing psychologist shall not delegate his prescriptive
30 authority to any other person; and
 - 31 • A prescribing psychologist, when prescribing a controlled
32 dangerous substance, shall file with the board in a timely
33 manner the prescribing psychologist's Drug Enforcement
34 Administration registration and number, and the State controlled
35 dangerous substance license number, if applicable.
- 36 The board is required to maintain current records of each
37 prescribing psychologist with prescriptive authority, including the
38 psychologist's Drug Enforcement Administration registration and
39 number, and is to transmit to the New Jersey State Board of
40 Pharmacy a list of prescribing psychologists. The list, which would
41 be updated, as necessary, shall include, for each prescribing
42 psychologist: the person's name; the identification number assigned
43 to the person by the board; and the effective date of the person's
44 prescriptive authority. In addition, the board must notify the New
45 Jersey State Board of Pharmacy, in a timely manner, upon
46 termination, suspension, or reinstatement of prescriptive authority
47 of a prescribing psychologist.

1 In addition, the bill provides that an interim panel shall be
2 established to prepare proposed rules and regulations governing
3 prescribing authority for psychologists. The interim panel shall be
4 comprised of a psychiatrist and a pediatrician selected by the State
5 Board of Medical Examiners, a pharmacist holding a doctoral-level
6 degree selected by the New Jersey State Board of Pharmacy, a
7 psychologist who has completed a postdoctoral master's degree in
8 clinical psychopharmacology selected by the Board of
9 Psychological Examiners, and the Director of the Fairleigh
10 Dickinson University's M.S. Program in Clinical
11 Psychopharmacology. The interim panel is to be selected within 90
12 days of the enactment date of this bill. Panel members shall be
13 directly responsible to the Director of the Division of Consumer
14 Affairs. The panel shall have 120 days following the appointment
15 of the majority of the panel to submit to the State Board of
16 Psychological Examiners its recommendations, or if the panel fails
17 to meet the 120-day submission deadline, the panel shall cease to
18 exist.