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SYNOPSIS
Grants prescriptive authority to certain psychologists.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning psychologists and supplementing chapter 14B
of Title 45 of the Revised Statutes.

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

1. As used in this act:
"Board" means the State Board of Psychological Examiners
established pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).
"Clinical experience" means a period of supervised training and
practice in which clinical diagnoses and interventions are learned
and which are conducted and supervised as part of the training
program.
"Controlled dangerous substance" means controlled dangerous
substance as defined in section 2 of P.L.1970, c.226 (C.24:21-2),
and includes any substances listed in Schedules I through V of the
s.801 et seq.) as adopted by regulation of the Department of Health
and Senior Services.
"Drugs" means drugs as defined in section 2 of P.L.1970, c.226
(C.24:21-2).
"Licensed practicing psychologist" means a licensed, practicing
psychologist as defined in section 2 of P.L.1966, c.282 (C.45:14B-
2).
"Prescribing psychologist" means a licensed practicing
psychologist with a doctoral-level degree who: (1) has successfully
graduated with a postdoctoral master's degree in clinical
psychopharmacology from a regionally accredited institution of
higher education or has completed equivalent training to the
postdoctoral master's degree approved by the board; (2) has passed
an examination approved by the board that is relevant to
establishing competence for prescribing, as described in section 3 of
this act; and (3) has received from the board a certificate granting
prescriptive authority, which is current and has not been revoked or
suspended.
"Prescription" means prescription as defined in section 2 of
P.L.2003, c.280 (C.45:14-41), and includes a controlled dangerous
substance.
"Prescriptive authority" means the authority to: (1) prescribe,
administer, discontinue, and distribute drugs, including controlled
dangerous substances, recognized in or customarily used in the
diagnosis, treatment, and management of a person with a
psychiatric, mental, cognitive, nervous, emotional, or behavioral
disorder, or other procedure directly related thereto, within the
scope of practice of psychology in accordance with rules and
regulations adopted pursuant to this act; and (2) order and interpret
tests consistent with prescriptive authority as provided in this act.
2. The board shall:
   a. issue a certificate granting prescriptive authority, in accordance with applicable State and federal laws, to a licensed practicing psychologist with a doctoral-level degree, who meets the criteria specified in paragraphs (1) and (2) of the definition of prescribing psychologist in section 1 of this act;
   b. develop and implement procedures for reviewing the education and training credentials for issuing such certificates in accordance with current standards of professional practice; and
   c. prescribe, by regulation, a method for the renewal of prescriptive authority at the time of, or in conjunction with, the renewal of a prescribing psychologist's license pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.). Each applicant for renewal of prescriptive authority shall present evidence satisfactory to the board, demonstrating the completion of 18 contact hours of continuing education instruction relevant to prescriptive authority during the previous two-year license period of the licensee.

3. A licensed practicing psychologist who applies for prescriptive authority shall demonstrate, by submitting to the board an official transcript or other official evidence satisfactory to the board, compliance with the following standards:
   a. The psychologist holds a doctoral-level degree and has:
      (1) completed a postdoctoral master's degree in clinical psychopharmacology from a regionally accredited institution of higher education or training equivalent to the postdoctoral master's degree approved by the board. The postdoctoral master's degree in clinical psychopharmacology or equivalent training shall include a structured sequence of study in an organized program offering intensive didactic education, including the following core areas of instruction: basic life sciences, neurosciences, clinical and research pharmacology and psychopharmacology, clinical medicine and pathophysiology, physical assessment and laboratory exams, clinical pharmacotherapeutics, and research, professional, ethical, and legal issues.
      The didactic portion of the education shall consist of at least 400 hours, as recommended by the American Psychological Association, to ensure acquisition of the necessary knowledge and skills to prescribe in a safe and effective manner; and
      (2) obtained relevant clinical experience sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of qualified practitioners, including, but not limited to, licensed physicians or prescribing psychologists, as determined by the board; and
   b. A prescribing psychologist shall pass an examination developed by a nationally recognized body, such as the American Psychological Association Practice Organization's College of Professional Psychology, and approved by the board.
4. a. A prescribing psychologist shall exercise prescriptive authority in accordance with rules and regulations adopted pursuant to this act, which shall include rules and regulations relating to standards and procedures for consultation and collaboration between a psychologist and a patient’s physician of record.

b. A prescribing psychologist shall not issue a prescription unless the psychologist holds a certificate of prescriptive authority which is current and has not been revoked or suspended.

c. In the event a patient does not have a physician of record, a prescribing psychologist shall not prescribe for that patient.

d. A prescribing psychologist shall consult and collaborate with a patient’s physician of record as follows:

(1) prescribing psychologists shall prescribe only in consultation and collaboration with a patient’s physician of record, and with the concurrence of that physician; and

(2) the prescribing psychologist shall consult with the patient’s physician of record, and obtain concurrence upon initiating, and prior to making changes to a medication treatment plan, and upon termination of a medication.

e. Each prescription issued by a prescribing psychologist shall:

(1) comply with all applicable State and federal laws and regulations relating to prescriptive authority; and

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

f. A record of all prescriptions issued for a patient and all consultations with the physician of record of a patient shall be maintained in the patient's record.

g. A prescribing psychologist shall not delegate his prescriptive authority to any other person.

5. a. A prescribing psychologist, when prescribing a controlled dangerous substance, shall file with the board in a timely manner the prescribing psychologist's Drug Enforcement Administration registration and number, and the State controlled dangerous substance license number, if applicable.

b. The board shall maintain current records of each prescribing psychologist with prescriptive authority, including the psychologist's Drug Enforcement Administration registration and number.

6. a. The board shall transmit to the New Jersey State Board of Pharmacy a list of prescribing psychologists. The list shall include, for each prescribing psychologist:

(1) the person’s name;

(2) the identification number assigned to the person by the board; and

(3) the effective date of the person's prescriptive authority.
b. As a new certificate granting prescriptive authority is issued, the board shall update the list specified in subsection a. of this section by promptly forwarding to the New Jersey State Board of Pharmacy information specified in subsection a. of this section.

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

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

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

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

STATEMENT

This bill provides for certain licensed psychologists to prescribe medications.

As provided in this bill, the State Board of Psychological Examiners (board) shall issue a certificate of "prescriptive authority" to a licensed practicing psychologist with a doctoral-level degree, who: (1) has successfully graduated with a postdoctoral master's degree in clinical psychopharmacology from a regionally accredited institution of higher education or has completed equivalent training to the postdoctoral master's degree
approved by the board; and (2) has passed an examination approved
by the board that is relevant to establishing competence for
prescribing drugs.

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

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

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

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

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

The bill also specifies that:
- A prescribing psychologist shall exercise prescriptive authority
  in accordance with rules and regulations adopted pursuant to the
bill, which shall include rules and regulations relating to standards and procedures for consultation and collaboration between a psychologist and a patient’s physician of record;

- A prescribing psychologist shall not issue a prescription unless the psychologist holds a certificate of prescriptive authority which is current and has not been revoked or suspended;
- In the event a patient does not have a physician of record, a prescribing psychologist shall not prescribe for that patient;
- A prescribing psychologist shall consult and collaborate with a patient’s physician of record as follows: (1) prescribing psychologists shall prescribe only in consultation and collaboration with a patient’s physician of record, and with the concurrence of that physician; and (2) the prescribing psychologist shall consult with the patient’s physician of record, and obtain concurrence upon initiating, and prior to making changes to a medication treatment plan, and upon termination of a medication;
- A prescribing psychologist shall consult and collaborate with a patient’s physician of record as follows: (1) prescribing psychologists shall prescribe only in consultation and;
- Each prescription issued by a prescribing psychologist shall:
  -- comply with all applicable State and federal laws and regulations relating to prescriptive authority; and
  -- be identified as written by a prescribing psychologist, in such manner as determined by the board;
- A record of all prescriptions issued for a patient and all consultations with the physician of record shall be maintained in the patient's record;
- A prescribing psychologist shall not delegate his prescriptive authority to any other person; and
- A prescribing psychologist, when prescribing a controlled dangerous substance, shall file with the board in a timely manner the prescribing psychologist's Drug Enforcement Administration registration and number, and the State controlled dangerous substance license number, if applicable.

The board is required to maintain current records of each prescribing psychologist with prescriptive authority, including the psychologist's Drug Enforcement Administration registration and number, and is to transmit to the New Jersey State Board of Pharmacy a list of prescribing psychologists. The list, which would be updated, as necessary, shall include, for each prescribing psychologist: the person's name; the identification number assigned to the person by the board; and the effective date of the person's prescriptive authority. In addition, the board must notify the New Jersey State Board of Pharmacy, in a timely manner, upon termination, suspension, or reinstatement of prescriptive authority of a prescribing psychologist.
In addition, the bill provides that an interim panel shall be established to prepare proposed rules and regulations governing prescribing authority for psychologists. The interim panel shall be comprised of a psychiatrist and a pediatrician selected by the State Board of Medical Examiners, a pharmacist holding a doctoral-level degree selected by the New Jersey State Board of Pharmacy, a psychologist who has completed a postdoctoral master’s degree in clinical psychopharmacology selected by the Board of Psychological Examiners, and the Director of the Fairleigh Dickinson University’s M.S. Program in Clinical Psychopharmacology. The interim panel is to be selected within 90 days of the enactment date of this bill. Panel members shall be directly responsible to the Director of the Division of Consumer Affairs. The panel shall have 120 days following the appointment of the majority of the panel to submit to the State Board of Psychological Examiners its recommendations, or if the panel fails to meet the 120-day submission deadline, the panel shall cease to exist.