

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 592

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE A
2 TERM; AMENDING SECTION 54-2305, IDAHO CODE, TO GRANT SPECIFIC RULEMAK-
3 ING AUTHORITY TO THE BOARD OF PSYCHOLOGIST EXAMINERS AND TO MAKE TECHNICAL
4 CORRECTIONS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE AD-
5 DITION OF A NEW SECTION 54-2316, IDAHO CODE, TO PROVIDE THAT SOME PSY-
6 CHOLOGISTS MAY ISSUE CERTAIN PRESCRIPTIONS, TO PROVIDE THAT PRESCRIB-
7 ING PSYCHOLOGISTS SHALL CONSULT WITH PATIENTS' MEDICAL PROVIDERS AND TO
8 PROVIDE THAT PSYCHOLOGICAL PRESCRIPTIONS COMPLY WITH APPLICABLE LAWS,
9 RULES AND REGULATIONS; AND AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY
10 THE ADDITION OF A NEW SECTION 54-2317, IDAHO CODE, TO PROVIDE THAT PSY-
11 CHOLOGISTS MUST HAVE CERTAIN QUALIFICATIONS TO OBTAIN A CERTIFICATE OF
12 PRESCRIPTIVE AUTHORITY, TO PROVIDE THAT THE BOARD SHALL DEVELOP RULES
13 RELATING TO CERTIFICATES OF PRESCRIPTIVE AUTHORITY AND TO PROVIDE THAT
14 THE BOARD SHALL ESTABLISH AN ADVISORY PANEL.
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 54-2302. DEFINITIONS. Within the meaning of this chapter the follow-
20 ing definitions apply:

21 (1) "Department" means the department of self-governing agencies of
22 the state of Idaho.

23 (2) "Bureau chief" means the chief of the bureau of occupational li-
24 censes of the state of Idaho.

25 (3) "Board" means the Idaho state board of psychologist examiners.

26 (4) "Licensed medical provider" means a physician or physician assis-
27 tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced
28 practice registered nurse.

29 (5) "Person," "he" and "his" mean either male or female persons unless
30 a contrary intention is made manifest. None of these words shall be taken to
31 mean other than a natural person.

32 (56) "Psychological services" means any services to which the words
33 "psychological," "psychologist" or "psychology" are applied by the person
34 rendering or offering to render them or to the "practice of psychology" as
35 defined in subsection (67) of this section.

36 (67) "Practice of psychology" means the application of established
37 principles of learning, motivation, perception, thinking, and emotional
38 relationships to problems of personnel evaluation, group relations, and
39 behavior adjustment. The application of said principles includes, but is
40 not restricted to, counseling and the use of psychotherapeutic measures
41 with persons or groups to eliminate symptomatic, maladaptive or undesired
42 behavior so as to enhance interpersonal relationships in the areas of work,

1 family, school, and personal relationships; measuring and testing of per-
 2 sonality, intelligence, aptitudes, emotions, public opinion, attitudes,
 3 and skills; diagnosing and treating mental and emotional disorders or dis-
 4 abilities; and doing research on problems relating to human behavior.

5 (78) A person represents himself to be a psychologist when he holds him-
 6 self out to the public by any title or description incorporating the words
 7 "psychological," "psychologist" or "psychology" or offers to render or ren-
 8 ders psychological services for remuneration.

9 (89) "Temporary permit" means a document issued by the board to a psy-
 10 chologist licensed in another state authorizing the individual to practice
 11 psychology in Idaho for a limited period as set forth in this chapter and
 12 rules of the board.

13 SECTION 2. That Section 54-2305, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-
 16 chologist examiners shall have the following powers:

17 (1) To pass upon the qualifications and fitness of applicants for li-
 18 censes and reciprocal licenses; and, at its option, to adopt and revise rules
 19 requiring applicants to pass examinations relating to their qualifications
 20 as a prerequisite to the issuance of licenses.

21 (2) To adopt, and, from time to time, revise such rules in accordance
 22 with the provisions of chapter 52, title 67, Idaho Code, and not inconsis-
 23 tent with the law as may be necessary to carry into effect the provisions of
 24 this chapter. Such rules shall include, but need not be limited to, a code
 25 of ethics for psychologists in the state consistent with the current, and as
 26 future amended, ethical standards for psychologists of the American psycho-
 27 logical association and the educational and professional qualifications of
 28 applicants for licensing under this chapter.

29 (3) To examine for, deny, approve, issue, revoke, suspend and renew
 30 the licenses of psychologists and psychologist applicants pursuant to this
 31 chapter, and to conduct hearings in connection therewith.

32 (4) To conduct hearings upon complaints concerning violations of the
 33 provisions of, and the rules adopted pursuant to, this chapter and cause the
 34 prosecution and enjoinder of all such violations.

35 (5) The board, or its duly appointed hearing officer, shall have the
 36 power in any disciplinary proceeding under this chapter, to administer
 37 oaths, and take depositions of witnesses within or without the state in the
 38 manner provided by law in civil cases, and it may apply to any district court
 39 of this state for a subpoena to require the attendance of such witnesses and
 40 the production of such books, records, and papers as it deems necessary. The
 41 fees and mileage of the witnesses shall be the same as that allowed in dis-
 42 trict courts in criminal cases, which fees and mileage shall be paid in the
 43 same manner as other expenses of the board are paid. In any case of disobe-
 44 dience to, or neglect of, any subpoena or subpoena duces tecum served upon
 45 any person, or the refusal of any witness to testify to any matter regarding
 46 which he may be lawfully interrogated. It shall be the duty of any district
 47 court in this state, on application by the board, to compel compliance with
 48 the subpoena by proceedings for contempt, as in the case of disobedience of
 49 the requirements of the subpoena issued from such court for refusal to tes-

1 tify therein. The licensed person accused in such proceedings shall have the
2 same right of subpoena.

3 (6) Proceedings before the board and judicial review of the action of
4 the board shall be governed by the provisions of chapter 52, title 67, Idaho
5 Code.

6 (7) To authorize, by written agreement, the bureau of occupational li-
7 censes as agent to act in its interest.

8 (8) To adopt a rule requiring continuing education as a condition of
9 continued licensure.

10 (9) To adopt rules allowing for a temporary permit to individuals li-
11 censed as psychologists in another state authorizing such individuals to
12 practice psychology in Idaho for a period not to exceed thirty (30) days pur-
13 suant to such terms and requirements as set forth in the rules.

14 (10) To establish by rule an inactive license status.

15 (11) To establish by rule the standards and requirements for the use of
16 communication technology in the practice of psychology, including supervi-
17 sion.

18 (12) To establish by rule a certificate of prescriptive authority pur-
19 suant to section 54-2317, Idaho Code.

20 SECTION 3. That Chapter 23, Title 54, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 54-2316, Idaho Code, and to read as follows:

23 54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under
24 this chapter shall issue a prescription without a valid certificate of pre-
25 scriptive authority issued pursuant to section 54-2317, Idaho Code.

26 (2) Psychologists licensed under this chapter who hold a certificate of
27 prescriptive authority shall prescribe only those drugs or controlled sub-
28 stances that are:

29 (a) Recognized in or customarily used in the diagnosis, treatment and
30 management of individuals with psychiatric, mental, cognitive, ner-
31 vous, emotional or behavioral disorders;

32 (b) Relevant to the practice of psychology or other procedures directly
33 related thereto; and

34 (c) Within the scope of the psychologist's license and certificate of
35 prescriptive authority.

36 (3) A psychologist who issues a prescription to a patient pursuant
37 to this section shall collaborate with the patient's licensed medical
38 provider.

39 (4) All prescriptions issued pursuant to this section shall comply with
40 applicable federal and state laws, rules and regulations.

41 SECTION 4. That Chapter 23, Title 54, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 54-2317, Idaho Code, and to read as follows:

44 54-2317. PRESCRIPTIVE AUTHORITY -- CERTIFICATE. (1) To qualify for a
45 certificate of prescriptive authority, a psychologist licensed under this
46 chapter shall meet such standards as prescribed by rule of the board.

47 (a) At a minimum, these standards shall include:

1 (i) A current license to practice psychology in Idaho.
2 (ii) A doctorate degree in psychology.
3 (iii) A master's degree in clinical psychopharmacology from a
4 United States department of education-approved, regionally ac-
5 credited institution of higher education or training equivalent
6 to such a master's degree program as approved by the board. The
7 didactic portion of the program or training shall consist of suf-
8 ficient hours to ensure the necessary knowledge and skills to
9 prescribe in a safe and effective manner. The master's degree
10 program shall demonstrate that all content is covered and that
11 students in the program achieve clinical competency in, at a mini-
12 mum, the following areas:

- 13 1. Basic science;
- 14 2. Neurosciences;
- 15 3. Physical assessments and laboratory exams;
- 16 4. Clinical medicine and pathology;
- 17 5. Clinical and research pharmacology and psychopharmacol-
18 ogy;
- 19 6. Clinical pharmacotherapeutics;
- 20 7. Research; and
- 21 8. Professional, ethical and legal issues.

22 (iv) Clinical experience which, as determined by the board, is
23 sufficient to attain competency in the psychopharmacological
24 treatment of a diverse patient population under the direction of
25 qualified practitioners including, but not limited to, licensed
26 physicians or prescribing psychologists as determined by the
27 board.

28 (v) A passing score on an examination developed by a nationally
29 recognized body and approved by the board.

30 (b) A person who satisfies the requirements of paragraph (a)(i),
31 (ii) and (iv) of this subsection, who has successfully completed the
32 United States department of defense psychopharmacology demonstration
33 project or a similar program developed and operated by any branch of the
34 United States armed forces, and who satisfies such other standards as
35 prescribed by board rule, shall be qualified for a certificate of pre-
36 scriptive authority.

37 (2) The board shall develop rules to effect the purposes of section
38 54-2316, Idaho Code, and this section. Such rules shall include educa-
39 tional and training standards necessary to qualify for a certificate of
40 prescriptive authority, application and testing procedures, and fees for
41 application, certification and renewal, such fees not to exceed three hun-
42 dred dollars (\$300) each.

43 (3) The board shall establish an advisory panel to review and advise
44 the board on proposed prescriptive rules governing the prescriptive author-
45 ity for psychologists. If requested by the board, the panel may be consulted
46 on complaints against psychologists with prescriptive authority. The panel
47 shall be comprised of a psychiatrist and a pediatrician recommended by the
48 Idaho state board of medicine, a pharmacist holding a doctoral-level degree
49 recommended by the Idaho board of pharmacy and three psychologists licensed
50 in Idaho.