

Regular Session, 2004

HOUSE BILL NO. 1426

BY REPRESENTATIVE SALTER AND SENATOR HINES

DRUGS/PRESCRIPTION: Authorizes specially trained medical psychologists to prescribe and to distribute certain drugs

1 AN ACT  
2 To amend and reenact R.S. 37:1701, 2366, and 2367 and to enact Part II of Chapter 28 of  
3 Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2371  
4 through 2378, relative to medical psychologists; to authorize medical psychologists  
5 to prescribe drugs and to provide for the duties of a medical psychologist; to allow  
6 a medical psychologist to give directions to certain other health care providers; to  
7 establish the qualifications for medical psychologists and the requirements for  
8 certification; to provide for renewal of the certificate; to prohibit issuance of a  
9 prescription by a psychologist who is not a medical psychologist certified to  
10 prescribe; to provide a penalty for violations; to provide for prescribing practices; to  
11 provide for controlled substance prescriptive authority; to provide for coordination  
12 with the Louisiana Board of Pharmacy; to provide for designation of existing law; to  
13 provide for the effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 37:1701, 2366, and 2367 are hereby amended and reenacted and  
16 Part II of Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
17 37:2371 through 2378, is hereby enacted to read as follows:

18 §1701. Prescription; name of patient and prescription

19 A. Each physician, surgeon, optometrist, medical psychologist, and dentist,  
20 upon writing a prescription shall write the name of the patient and the trade name, or  
21 the generic name, or the most commonly used name on the prescription issued.



1 the scope of practice of psychology in accordance with rules and regulations adopted  
2 by the board.

3 (3) "Drug" shall mean the same as the term "drug" as defined in R. S.  
4 40:961(16), including controlled substances except narcotics, but shall be limited to  
5 only those agents related to the diagnosis and treatment of mental and emotional  
6 disorders as defined in R.S. 37:2352(5). "Narcotics" are defined as natural and  
7 synthetic opioid analgesics, and their derivatives used to relieve pain. Nothing in this  
8 Chapter shall be construed to permit a medical psychologist to administer or  
9 prescribe a narcotic.

10 (4) "Medical psychologist" shall mean the psychologist who has undergone  
11 specialized training in clinical psychopharmacology and has passed a national  
12 proficiency examination in psychopharmacology approved by the board and who  
13 holds from the board a current certificate of responsibility.

14 (5) "Prescription" shall mean an order for a drug or for a device or test  
15 directly related to the drug or to the decision to order or to continue or discontinue  
16 the order of the drug.

17 §2372. Powers and duties

18 The board shall:

19 (1) Provide for an application form for examination, certification, and  
20 certification renewal.

21 (2) Develop and implement a procedure to review the educational and  
22 training credentials of a psychologist applying for a certificate of prescriptive  
23 authority and for renewal of the certificate in accordance with current standards of  
24 professional practice.

25 (3) Issue a certificate of prescriptive authority to any duly qualified medical  
26 psychologist and renew the certificate of prescriptive authority of any medical  
27 psychologist who is not in violation of any provisions of this Part.

28 (4) Deny, revoke, or suspend a certificate of prescriptive authority of any  
29 medical psychologist who is found guilty of violating any provisions of this Part.

1           (5) Issue an identification number to be placed on the certificate of  
2           prescriptive authority.

3           (6) Maintain a current roster of every medical psychologist certified to  
4           prescribe under this Part, including each such medical psychologist's name, last  
5           known address, identification number issued by the board, and the Drug Enforcement  
6           Agency (DEA) registrations and numbers.

7           (7) Have all other powers necessary to implement the provisions of this Part.  
8           §2373. Certification; requirements

9           The board shall issue a certificate of prescriptive authority to any  
10          psychologist who files an application upon a form and in such a manner as the board  
11          prescribes, and who furnishes satisfactory evidence to the board that the psychologist  
12          meets each of the following requirements:

13          (1) Holds a current Louisiana license to practice psychology with an applied  
14          clinical speciality as defined by the board.

15          (2) Has successfully graduated with a post-doctoral master's degree in  
16          clinical psychopharmacology from a regionally accredited institution or equivalent  
17          to the post-doctoral master's degree as approved by the board. The curriculum shall  
18          include instruction in anatomy and physiology, biochemistry, neurosciences,  
19          pharmacology, psychopharmacology, clinical medicine/pathophysiology and health  
20          assessment, including relevant physical and laboratory assessment.

21          §2374. Certificate of prescriptive authority; renewal

22          A. The board shall implement a method for renewal of a certificate of  
23          prescriptive authority at the time of, and in conjunction with, the renewal of a  
24          medical psychologist's license to practice psychology.

25          B. Prior to the date of renewal of a certificate of prescriptive authority, each  
26          medical psychologist applying for such renewal shall present satisfactory evidence  
27          to the board of having annually completed thirty clock hours of acceptable continuing  
28          education, as determined by the board, relevant to the pharmacological treatment of  
29          mental and emotional disorders. The continuing education requirements under this

1 Part shall be in addition to those continuing education requirements for licensure  
2 renewal under the provisions of LAC 46:LXIII.801 - 803.

3 §2375. Certificate of prescriptive authority required to prescribe; prescribing  
4 practices

5 A. No medical psychologist shall issue a prescription unless the medical  
6 psychologist holds a valid certificate of prescriptive authority.

7 B. Each prescription issued by a medical psychologist shall:

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

9 (2) Be identified as issued by the medical psychologist and shall include the  
10 identification number of the medical psychologist.

11 C.(1) A medical psychologist holding a valid certificate to prescribe shall  
12 prescribe only in consultation and collaboration with the patient's primary or  
13 attending physician, and with the concurrence of that physician. The medical  
14 psychologist shall also re-consult with the patient's physician prior to making changes  
15 in the patient's medication regimen, including dosage adjustments, adding or  
16 discontinuing a medication. The medical psychologist shall document the  
17 consultation in the patient's medical record.

18 (2) In the event a patient does not have a primary or attending physician, the  
19 medical psychologist shall not prescribe for that patient.

20 D. A medical psychologist shall not delegate the prescribing of a drug to any  
21 other individual.

22 §2376. Drug Enforcement Agency; registration

23 A. Each medical psychologist shall obtain a Drug Enforcement Agency  
24 (DEA) registration and number.

25 B. The DEA registration and number shall be filed with the board before the  
26 medical psychologist issues a prescription for a controlled substance.

1        §2377. Coordination with the Louisiana Board of Pharmacy

2            A. The board shall annually send to the Louisiana Board of Pharmacy a list  
3        of medical psychologists holding valid certificates of prescriptive authority. This list  
4        shall contain the following information:

5            (1) The name and identification number of each medical psychologist.

6            (2) The effective date for which the certificate of prescriptive authority is  
7        valued for each listed medical psychologist.

8            B. The board shall promptly notify the Louisiana Board of Pharmacy of the  
9        name of any medical psychologist who is added to or deleted from the list of medical  
10       psychologists certified to prescribe.

11          C. The board shall notify the Louisiana Board of Pharmacy in a timely  
12       manner of the revocation, suspension, or reinstatement of any certificate of  
13       prescriptive authority.

14        §2378. Violation; penalties

15          Whoever violates any provision of this Part shall be guilty of a misdemeanor  
16       and shall, upon conviction, be imprisoned for not more than six months, fined not  
17       more than five hundred dollars, or both.

18        Section 2. The Louisiana State Law Institute is hereby directed to designate R.S.  
19        37:2351 through 2367 as Part I of Chapter 28 of Title 37 of the Louisiana Revised Statutes  
20        of 1950 and to entitle such Part "Licensure and Regulation of Psychologists".

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Salter

HB No. 1426

**Abstract:** Authorizes specially trained medical psychologists to prescribe and to distribute certain drugs.

Present law requires that a physician, surgeon, optometrist, and dentist shall write the name of the patient and the trade name, or the generic name, or the most commonly used name on the prescription issued. Further provides that no druggist, pharmacist, or dispensing physician shall fill any prescription unless the required information is on the prescription, unless otherwise specified by the physician, surgeon, optometrist, and dentist.

Proposed law adds medical psychologist to the list of those who are prescribing medicines.

Proposed law defines "board", "certificate of prescriptive authority", "drug", "medical psychologist", and "prescription".

Proposed law prohibits medical psychologists from prescribing narcotics.

Proposed law provides for the following powers of the State Board of Examiners of Psychologists:

- (1) Provide for an application form for examination, certification, and certification renewal.
- (2) Develop and implement a procedure to review the educational and training credentials of a psychologist applying for a certificate of prescriptive authority and for renewal of the certificate in accordance with current standards of professional practice.
- (3) Issue a certificate of prescriptive authority to any duly qualified medical psychologist and renew the certificate of prescriptive authority of any medical psychologist who is not in violation of any provisions of proposed law.
- (4) Deny, revoke, or suspend a certificate of prescriptive authority of any medical psychologist who is found guilty of violating any provisions of proposed law.
- (5) Issue an identification number to be placed on the certificate of prescriptive authority.
- (6) Maintain a current roster of every medical psychologist certified to prescribe under the proposed law, including each such medical psychologist's name, last known address, identification number issued by the board, and the Drug Enforcement Agency (DEA) registrations and numbers.
- (7) Have all other powers necessary to implement the provisions of the proposed law.

Proposed law provides that the board shall issue a certificate of prescriptive authority to any psychologist who files an application and who furnishes satisfactory evidence that he meets each of the following requirements:

- (1) Holds a current Louisiana license to practice psychology with an applied clinical speciality as defined by the board.
- (2) Has successfully graduated from a regionally accredited institution with a post-doctoral master's degree in clinical psychopharmacology or equivalent to such degree, as approved by the board. The curriculum shall include instruction in anatomy and physiology, biochemistry, neurosciences, pharmacology, psychopharmacology, clinical medicine/pathophysiology and health assessment, including relevant physical and laboratory assessment.

Proposed law provides for the renewal of a certificate of prescriptive authority in conjunction with the renewal of a medical psychologist's license to practice.

Proposed law requires medical psychologists to complete 30 additional hours of approved relevant continuing education in order to renew a certificate of prescriptive authority.

Proposed law prohibits a medical psychologist from issuing a prescription unless he holds a valid certificate of authority and further requires the psychologist to prescribe only in consultation and collaboration with the patient's primary or attending physician. Also

requires additional consultation and collaboration with the patient's primary or attending physician for any change to prior prescription. Further prohibits the medical psychologist from delegating the prescriptive authority to any other person and prohibits issuance of a prescription if there is no primary or attending physician.

Proposed law requires the medical psychologist to obtain a Drug Enforcement Agency (DEA) registration and number.

Proposed law requires the board to send, annually, the Board of Pharmacy a list of medical psychologists holding valid certificates of prescriptive authority. Requires the board to include the name and identification number of the medical psychologist and the effective date of each certificate of authority.

Proposed law requires the board to notify the Board of Pharmacy when a name is added or deleted from the list and when a certificate is revoked, suspended, or reinstated.

Proposed law provides that whoever violates any provision of proposed law shall be guilty of a misdemeanor and shall, upon conviction, be imprisoned for not more than six months, fined not more than \$500 or both.

Proposed law directs the Louisiana State Law Institute to designate R.S. 37:2351 through 2367 as "Part I. Licensure and Regulation of Psychologists".

(Amends R.S. 37:1701, 2366, and 2367; Adds R.S. 37:2371-2378)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Prohibits medical psychologists from prescribing narcotics.
2. Requires a medical psychologist to complete 30 hours of continuing education to renew a certificate of prescriptive authority.
3. Specifies that medical psychologists shall consult with a patient's physician to make any changes to prior prescription.
4. Prohibits issuance of a prescription without a primary or attending physician.
5. Clarifies that medical psychologists are required to graduate with a post-doctoral master's degree in clinical psychopharmacology or a board-approved equivalent.

#### Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Deletes provision allowing medical psychologists to direct nurses to administer medicines.