

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.12.01 – RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-1802

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2019 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-2305(12), 54-2318, and 54-2320, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

The 2017 Legislature passed **House Bill 212**, which allows licensed psychologists who meet certain educational, examination, and experience requirements to be granted prescriptive authority to prescribe medications to treat certain medical conditions. This pending rule establishes the qualifications for provisional certification of prescriptive authority and certification of prescriptive authority. These include minimum requirements for a clinical practicum as part of the educational program, supervised practice requirements, and the adoption of the national competency examination. This rule also sets a formulary for the medications that may be prescribed. Finally, the rule establishes standards of practice for prescriptive authority and collaboration between the prescribing psychologist and a patient's licensed medical provider.

The changes to the pending rule include providing additional clarity on continuing education requirements and increased flexibility for carrying over continuing education obtained in one year to the following year; changing the format and frequency of supervision for provisional certification holders; clarifying language regarding endorsement applicants who hold a certification of prescriptive authority in another state to ensure that the applicant meets Idaho's requirements; and ensuring that a patient is being treated by a licensed medical provider for any primary illness when a prescribing psychologist is treating the secondary illness.

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2018 Idaho Administrative Bulletin, **Vol. 18-10, pages 304-316**.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2318, Idaho Code.

The Board operates on dedicated funds and must be self-supporting. The following fees are established in accordance with Section 54-2318, Idaho Code, as follows: original application fee of \$250 for certification or provisional certification for prescriptive authority; and renewal fee of \$250 for certification or provisional certification for prescriptive authority.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Sarah Hugues at (208) 334-3233.

Dated this 2nd day of November, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
Phone: (208) 334-3233 / Fax: (208) 334-3945

700 W. State Street
P.O. Box 83720
Boise, ID 83720

DOCKET NO. 24-1201-1802 - ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the proposed rule.
Italicized red text that is double underscored indicates
amendments to the proposed text in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 18-10, October 3, 2018, pages 304 through 316.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2019 Idaho State Legislature.

Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.

251. ENDORSEMENT FOR CERTIFICATION OF PRESCRIPTIVE AUTHORITY (RULE 251).

The Board may grant a provisional certification or certification of prescriptive authority by endorsement to an applicant who completes an application as set forth in Section 100 of these rules, pays the required fee, and meets the following requirements: ()

02. Holds a Current Certificate of Prescriptive Authority. ()

[Paragraph 251.02.a.]

a. The applicant must be the holder of a current and unrestricted certification of prescriptive authority from another state that imposes substantially equivalent educational and training requirements as those contained in Sections 54-2317 and 54-2318, Idaho Code, and these rules; or ()

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION REQUIREMENTS FOR RELICENSURE IN PSYCHOLOGY (RULE 401).

[Subsection 401.01 through Paragraph 401.01.c.]

01. Number of Hours Required. All licensed psychologists, in order to renew their license, must have accumulated twenty (20) hours per year of continuing education credits. All prescribing psychologists, in order to renew their provisional certification or certification of prescriptive authority, must have accumulated twenty (20) hours per year of continuing education credits in psychopharmacology or psychopharmacotherapy offered in accordance with Subsection 402.01 of these rules. Continuing education credits for a prescribing psychologist are in addition to the continuing education credits required to renew their psychologist license. ()

a. At the time of renewal of the psychologists' licenses and prescribing psychologists' certifications, they will certify that they are aware of the requirements for continuing education and that they have met those requirements for the preceding year. ()

b. At the time of reinstatement of a psychologist's license or a prescribing psychologist's provisional certification or certification, the psychologist shall provide proof ~~that they have met~~ of meeting the requirements for continuing education for the preceding year. ()

c. A minimum of four (4) hours credit in ethics, standards of care, and/or review of laws pertaining to the practice of psychology is required every three (3) years. Areas covered may include practice, consultation, research, teaching, and/or supervision. These units may be used as part of the continuing education credit required. ~~(3-24-16)~~ ()

[Subsection 401.06]

06. Carryover of Continuing Education Hours. Continuing education courses not claimed for ~~CE~~ credit in the current renewal year, may be credited for the next renewal year. A maximum of twenty (20) hours may be carried forward from the immediately preceding year for renewal of a psychologist license, and a maximum of twenty (20) hours may be carried forward from the immediately preceding year for renewal of a prescribing psychologist's certificate. ~~(5-3-03)~~ ()

402. GUIDELINES FOR APPROVAL OF CONTINUING EDUCATION CREDITS (RULE 402).

01. Continuing Education Credit. Continuing education credit will be given to formally organized workshops or classes with an attendance roster and preassigned continuing education credit offered in association with or under the auspices of: (7-1-93)

[Paragraph 402.01.e.]

e. For prescribing psychologists, in addition to the approved organizations above, workshops or classes may be classified as continuing medical education credit and offered in association with or under the auspices of: ()

(BREAK IN CONTINUITY OF SECTIONS)

701. SUPERVISED PRACTICE OF PROVISIONAL CERTIFICATION HOLDER (RULE 701).

A holder of a provisional certification of prescriptive authority may only prescribe under the supervision of physician(s) approved by the Board. Prior to application for a certification of prescriptive authority, a provisional certification holder must complete two (2) years of satisfactory prescribing, which includes: ()

01. Hours of Supervision. A minimum of two thousand (2,000) hours acquired in not less than twenty-four (24) months and not more than forty-eight (48) months. ()

[Paragraph 701.01.b.]

b. Supervised practice time during which the supervisor(s) deem(s) a supervisee's performance to have been unsatisfactory shall not be credited towards the required supervised practice hours. A supervisor who believes the supervisee's practice is unsatisfactory should notify the supervisee and the primary supervisor as soon as possible and identify the basis for such conclusion including, but not limited to, specific domains or issues needing remediation. ()

[Subsection 701.03]

03. Amount of Supervisory Contact. Supervision must occur on a one-to-one basis at a minimum of one (1) hour for every six (6) hours of clinical contact time with patients being seen for the purpose of evaluation and treatment with those medications that are within the formulary established in Section 730 of these rules. One-to-one supervision must be obtained either face-to-face, telephonically, or by live video communication. ()

[Section 702 is being printed in its entirety due to a renumbering technical correction.]

702. QUALIFICATIONS TO PRESCRIBE FOR PEDIATRIC OR GERIATRIC PATIENTS (RULE 702). A prescribing psychologist may not prescribe for pediatric or geriatric patients unless approved by the Board. The Board may only grant prescriptive authority for pediatric patients or geriatric patients to an applicant for certification of prescriptive authority who has completed one (1) year of satisfactory prescribing, as attested to by the supervising physician, for the patient population for which the prescribing psychologist seeks to prescribe. ()

01. Credit Toward Certification. The one (1) year of satisfactory prescribing for a pediatric or geriatric population may be counted as one (1) year of the two (2) years of satisfactory prescribing required to qualify for a certification of prescriptive authority. ()

02. Hours of Supervision. One (1) year of satisfactory prescribing includes a minimum of one thousand (1,000) hours acquired in not less than twelve (12) months and not more than twenty-four (24) months. ()

a. The one thousand (1,000) hours may consist of direct patient contact, supervision, case consultations, and collaboration with licensed medical providers for the purpose of evaluation and treatment of patients with medication(s) within the formulary set forth in Section 730 of these rules. A minimum of eight hundred (800) hours of the one thousand (1,000) hours must be directly related to the population for which the prescribing psychologist seeks to prescribe. ()

[Paragraph 702.02.b.]

b. Supervised practice time during which the supervisor(s) deem(s) a supervisee's performance to have been unsatisfactory shall not be credited towards the required supervised practice hours. A supervisor who believes the supervisee's practice is unsatisfactory should notify the supervisee and the primary supervisor as soon as possible and identify the basis for such conclusion including, but not limited to, specific domains or issues needing remediation. ()

03. Number of Patients. One (1) year of satisfactory prescribing includes a minimum of twenty-five (25) separate patients in the population for which the prescribing psychologist seeks to prescribe and who are seen for the purpose of evaluation and treatment with those medications that are within the formulary established in Section 730 of these rules. For a prescribing psychologist who seeks to prescribe for pediatric patients, a minimum of ten (10) separate patients must be twelve (12) years of age or younger and a minimum of ten (10) separate patients must be between thirteen (13) years of age and seventeen (17) years of age. ()

[Subsection 702.04]

04. Amount of Supervisory Contact. Supervision shall be obtained in accordance with Subsection 701.03 of these rules, and under a supervision agreement approved by the Board in accordance with Subsection 700.05 of these rules. ()

05. Domains for Supervision. Supervision must include assessment in each of the domains set forth in Subsection 701.04 of these rules. ()

(BREAK IN CONTINUITY OF SECTIONS)

730. FORMULARY (RULE 730).

A prescribing psychologist may prescribe medications and controlled substances that are recognized in or customarily used in the diagnosis, treatment and management of individuals with mental, nervous, emotional, behavioral, substance abuse and cognitive disorders and that are relevant to the practice of psychology or other procedures directly related thereto under the following limitations. ()

[Subsection 730.02]

02. Disorders and Conditions. A prescribing psychologist may not prescribe medication to treat a primary endocrine, cardiovascular, orthopedic, neurologic, gynecologic, obstetric, metabolic, hematologic, respiratory, renal, gastrointestinal, hepatic, dermatologic, oncologic, infectious, ophthalmologic, or rheumatologic illness or disorder. The provisions of this rule do not prohibit a prescribing psychologist from prescribing to treat a mental, nervous, emotional, behavioral, substance abuse or cognitive disorder that arises secondary to a primary physical illness, provided that the primary illness is being treated by a licensed medical provider and the prescribing psychologist collaborates with the patient's licensed medical provider, as provided in these rules. ()