

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 212

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE
2 A TERM; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE FOR CERTAIN
3 POWERS OF THE BOARD OF PSYCHOLOGIST EXAMINERS AND TO MAKE TECHNICAL
4 CORRECTIONS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION
5 OF A NEW SECTION 54-2316, IDAHO CODE, TO PROVIDE PRESCRIPTIVE AUTHORITY
6 FOR CERTAIN PSYCHOLOGISTS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE,
7 BY THE ADDITION OF A NEW SECTION 54-2317, IDAHO CODE, TO PROVIDE FOR
8 PROVISIONAL CERTIFICATION OF PRESCRIPTIVE AUTHORITY; AMENDING CHAP-
9 TER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2318,
10 IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF PRESCRIPTIVE AUTHORITY AND
11 TO PROVIDE RULEMAKING AUTHORITY; AMENDING CHAPTER 23, TITLE 54, IDAHO
12 CODE, BY THE ADDITION OF A NEW SECTION 54-2319, IDAHO CODE, TO PROVIDE
13 FOR CERTIFICATION BY ENDORSEMENT; AND AMENDING CHAPTER 23, TITLE 54,
14 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2320, IDAHO CODE, TO
15 PROVIDE FOR A CERTAIN PANEL.
16

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

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

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

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

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

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

27 (4) "Licensed medical provider" means a physician or physician assis-
28 tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced
29 practice registered nurse licensed pursuant to chapter 14, title 54, Idaho
30 Code.

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

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

38 (67) "Practice of psychology" means the application of established
39 principles of learning, motivation, perception, thinking, and emotional
40 relationships to problems of personnel evaluation, group relations, and
41 behavior adjustment. The application of said principles includes, but is
42 not restricted to, counseling and the use of psychotherapeutic measures

1 with persons or groups to eliminate symptomatic, maladaptive or undesired
 2 behavior so as to enhance interpersonal relationships in the areas of work,
 3 family, school, and personal relationships; measuring and testing of per-
 4 sonality, intelligence, aptitudes, emotions, public opinion, attitudes,
 5 and skills; diagnosing and treating mental and emotional disorders or dis-
 6 abilities; and doing research on problems relating to human behavior.

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

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

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

17 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-
 18 chologist examiners shall have the following powers:

19 (1) To pass upon the qualifications and fitness of applicants for li-
 20 censes and, reciprocal licenses, certification and provisional certifica-
 21 tion of prescriptive authority; and, at its option, to adopt and revise rules
 22 requiring applicants to pass examinations relating to their qualifications
 23 as a prerequisite to the issuance of licenses.

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

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

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

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

1 court in this state, on application by the board, to compel compliance with
 2 the subpoena by proceedings for contempt, as in the case of disobedience of
 3 the requirements of the subpoena issued from such court for refusal to tes-
 4 tify therein. The licensed person accused in such proceedings shall have the
 5 same right of subpoena.

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

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

11 (8) To adopt a rule requiring continuing education as a condition of
 12 continued licensure and certification.

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

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

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

21 (12) To establish by rule certification and provisional certification
 22 of prescriptive authority pursuant to sections 54-2316 through 54-2319,
 23 Idaho Code.

24 (13) To establish by rule a limited formulary or formularies for pre-
 25 scribing use by holders of certification and provisional certification of
 26 prescriptive authority.

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

30 54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under
 31 this chapter shall issue a prescription without valid certification or pro-
 32 visional certification of prescriptive authority issued pursuant to section
 33 54-2317, 54-2318 or 54-2319, Idaho Code.

34 (2) Psychologists licensed under this chapter who hold a certification
 35 or a provisional certification of prescriptive authority shall prescribe
 36 only those drugs or controlled substances that are:

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

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

42 (c) Within the scope of the psychologist's license and certification of
 43 prescriptive authority.

44 (3) A psychologist who holds provisional certification of prescriptive
 45 authority may prescribe only under the direct supervision of a supervising
 46 physician who meets the requirements of section 54-2317(6), Idaho Code.

47 (4) A psychologist who issues a prescription to a patient pursuant
 48 to this section shall collaborate with the patient's licensed medical
 49 provider.

1 (5) All prescriptions issued pursuant to this section shall comply with
2 all applicable federal and state laws, rules and regulations and rules of the
3 board.

4 (6) No psychologist may prescribe for a pediatric or geriatric patient
5 without meeting all requirements of this chapter, including the provisions
6 of section 57-2318(2), Idaho Code.

7 (7) No person licensed under this chapter shall accept any payment, di-
8 rectly or indirectly:

9 (a) From any person licensed as a health care provider under title 54,
10 Idaho Code, whose license does not permit the writing of prescriptions,
11 for writing a prescription or dispensing a prescription drug to a pa-
12 tient;

13 (b) From any person who holds himself or herself out as a health care
14 provider in any form who is not licensed under title 54, Idaho Code; or

15 (c) From any business or professional entity regardless of the form of
16 its organization, for writing a prescription or dispensing a prescrip-
17 tion drug to a patient unless such entity is authorized to conduct busi-
18 ness under chapter 17, title 54, Idaho Code, or licensed as a licensed
19 health care provider or health care facility or is otherwise approved by
20 the board.

21 (8) The restriction contained in subsection (7) of this section shall
22 not prevent a person licensed under this chapter from accepting payment from
23 any such person who is a patient, or for services provided to a patient or to
24 someone the patient is legally obligated to support or from any insurer or
25 other entity authorized under the laws of this state to provide insurance or
26 pay benefits on behalf of a self-insured plan or government program.

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

30 54-2317. PRESCRIPTIVE AUTHORITY -- PROVISIONAL CERTIFICATION. To
31 qualify for provisional certification of prescriptive authority, a psychol-
32 ogist licensed under this chapter shall meet such standards as prescribed by
33 rule of the board. At a minimum, these standards shall include:

34 (1) A current license to practice psychology in Idaho;

35 (2) A doctorate degree in psychology awarded by an accredited program
36 within a United States department of education approved, regionally accred-
37 ited institution of higher education;

38 (3) A master's degree in clinical psychopharmacology awarded by an ac-
39 credited program within a United States department of education approved,
40 regionally accredited institution of higher education. The didactic por-
41 tion of the education shall be at least two (2) years of full-time education,
42 or the equivalent thereof, and shall be substantially equivalent to the ed-
43 ucation required of an advanced practice psychiatric nurse practitioner in
44 this state as determined by the institution that offers both clinical psy-
45 chopharmacology and psychiatric nurse practitioner degrees. The necessary
46 prerequisites for the education shall be determined by the institution that
47 offers the degrees and, in the institution's judgment, shall include suffi-
48 cient biomedical education to ensure the necessary knowledge and skills to
49 prescribe psychotropic medications in a safe and effective manner. The pro-

1 gram shall satisfy the requirements to become designated a post-doctoral ed-
2 ucation and training program in clinical psychopharmacology by the Ameri-
3 can psychological association. The program must be established and admin-
4 istered by biomedically trained educators and must demonstrate that all con-
5 tent is covered and that students achieve clinical competency in all areas,
6 and shall include at a minimum:

- 7 (a) Basic science:
8 (i) Anatomy;
9 (ii) Physiology;
10 (iii) Biochemistry;
- 11 (b) Neurosciences:
12 (i) Neuroanatomy;
13 (ii) Neurophysiology;
14 (iii) Neurochemistry;
- 15 (c) Physical assessments and laboratory exams:
16 (i) Physical assessment;
17 (ii) Laboratory and radiological assessment;
18 (iii) Medical terminology and documentation;
- 19 (d) Clinical medicine and pathophysiology:
20 (i) Pathophysiology with particular emphasis on cardiac, renal,
21 hepatic, neurologic, gastrointestinal, hematologic, dermato-
22 logic and endocrine systems;
23 (ii) Clinical medicine with particular emphasis on signs, symp-
24 toms and treatment of disease states with behavioral, cognitive
25 and emotional manifestations or comorbidities;
26 (iii) Differential diagnosis;
27 (iv) Clinical correlations -- the illustration of the content of
28 this domain through case study;
29 (v) Substance-related and co-occurring disorders;
30 (vi) Chronic pain management;
- 31 (e) Clinical and research pharmacology and psychopharmacology:
32 (i) Pharmacology;
33 (ii) Clinical pharmacology;
34 (iii) Pharmacogenetics;
35 (iv) Psychopharmacology;
36 (v) Developmental psychopharmacology;
37 (vi) Issues of diversity in pharmacological practice -- lifespan
38 related to drug metabolism;
- 39 (f) Clinical pharmacotherapeutics:
40 (i) Combined therapies -- psychotherapy/pharmacotherapy inter-
41 actions;
42 (ii) Computer-based aids to practice;
43 (iii) Pharmacoepidemiology;
- 44 (g) Research:
45 (i) Methodology and design of psychopharmacology research;
46 (ii) Interpretation and evaluation of research;
47 (iii) Federal food and drug administration drug development and
48 regulatory processes; and
- 49 (h) Professional, ethical, and legal issues:

1 (i) Application of existing law, standards and guidelines to
2 pharmacological practice; and

3 (ii) Relationship with pharmaceutical industry:

4 1. Conflicts of interest;

5 2. Evaluation of pharmaceutical marketing practices; and

6 3. Critical consumer;

7 (4) Clinical experience that is sufficient to attain competency in
8 the psychopharmacological treatment of a diverse patient population under
9 the direction of qualified practitioners including, but not limited to,
10 licensed physicians and prescribing psychologists as determined by the in-
11 stitution offering the clinical psychopharmacology degree;

12 (5) A passing score on an examination developed by a nationally recog-
13 nized body and approved by the board; and

14 (6) Supervision agreements with board-certified psychiatrists, neu-
15 rologists or other physicians with specialized training and experience in
16 the management of psychotropic medication who are licensed under chapter 18,
17 title 54, Idaho Code, or an equivalent licensing provision of the law of an
18 adjoining state.

19 SECTION 5. That Chapter 23, Title 54, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 54-2318, Idaho Code, and to read as follows:

22 54-2318. PRESCRIPTIVE AUTHORITY -- CERTIFICATION. (1) An applicant
23 for certification of prescriptive authority may be granted such certifica-
24 tion by the board if the applicant possesses provisional certification of
25 prescriptive authority and has successfully completed two (2) years of sat-
26 isfactory prescribing as attested to by the supervising physician or physi-
27 cians.

28 (2) An applicant for certification of prescriptive authority who seeks
29 to prescribe for pediatric or geriatric patients shall have completed at
30 least one (1) year of satisfactory prescribing to such patient populations
31 as attested to by a supervising physician or supervising physicians with
32 specialized training and experience in treating such patient populations.

33 (3) The board shall develop rules to effect the purposes of sections
34 54-2316 through 54-2319, Idaho Code. Such rules shall include educational
35 and training standards necessary to qualify for certification of prescrip-
36 tive authority, application and testing procedures, and fees for an appli-
37 cation, provisional certification, certification and renewal of certifica-
38 tion. Such fees shall not exceed three hundred dollars (\$300) each.

39 SECTION 6. That Chapter 23, Title 54, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 54-2319, Idaho Code, and to read as follows:

42 54-2319. PRESCRIPTIVE AUTHORITY -- CERTIFICATION BY ENDORSEMENT. An
43 applicant who has a current and unrestricted license to practice psychol-
44 ogy and a current and unrestricted certification of prescriptive authority
45 from another state, or training from the United States department of defense
46 demonstration project or other similar program developed and operated by
47 any branch of the armed forces that imposes substantially equivalent edu-

1 cational and training requirements as those contained in this chapter and
2 required by the board, upon payment of the required fees, compliance with
3 section 54-2317(1), Idaho Code, and the approval of the application, may be
4 certified by endorsement pursuant to this chapter. The board may consider an
5 applicant's experience in prescribing in another state as meeting a portion
6 of the requirements necessary to obtain provisional certification or cer-
7 tification under this chapter, but also shall require additional education
8 and supervision if the board deems it necessary to meet the educational and
9 training requirements imposed by this chapter.

10 SECTION 7. That Chapter 23, Title 54, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 54-2320, Idaho Code, and to read as follows:

13 54-2320. ADVISORY PANEL. The board shall establish an advisory panel
14 to review and advise the board on proposed prescriptive rules and other reg-
15 ulations governing the prescriptive authority for psychologists, including
16 any formulary or limited formulary, and also including the sufficiency of
17 education and training for an applicant seeking certification by endorse-
18 ment. If requested by the board, the panel may be consulted on complaints
19 against psychologists with prescriptive authority. The panel shall consist
20 of a psychiatrist and a pediatric psychiatrist or a pediatrician recommended
21 by the Idaho state board of medicine, a pharmacist holding a doctoral-level
22 degree recommended by the Idaho state board of pharmacy, and two (2) psy-
23 chologists licensed in Idaho. The board shall not promulgate rules govern-
24 ing prescriptive authority, governing collaboration or supervision of pre-
25 scribing psychologists, establishing a formulary or establishing standards
26 for granting certification by endorsement, unless the rules first have been
27 approved by a majority vote of the advisory panel.