LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature
First Regular Session - 2017

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 212

BY HEALTH AND WELFARE COMMITTEE

AN ACT
RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE
A TERM; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE FOR CERTAIN
POWERS OF THE BOARD OF PSYCHOLOGIST EXAMINERS AND TO MAKE TECHNICAL
CORRECTIONS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION
OF A NEW SECTION 54-2316, IDAHO CODE, TO PROVIDE PRESCRIPTIVE AUTHORITY
FOR CERTAIN PSYCHOLOGISTS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 54-2317, IDAHO CODE, TO PROVIDE FOR
PROVISIONAL CERTIFICATION OF PRESCRIPTIVE AUTHORITY; AMENDING CHAP-
TER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2318,
IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF PRESCRIPTIVE AUTHORITY AND
TO PROVIDE RULEMAKING AUTHORITY; AMENDING CHAPTER 23, TITLE 54, IDAHO
CODE, BY THE ADDITION OF A NEW SECTION 54-2319, IDAHO CODE, TO PROVIDE
FOR CERTIFICATION BY ENDORSEMENT; AND AMENDING CHAPTER 23, TITLE 54,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2320, IDAHO CODE, TO
PROVIDE FOR A CERTAIN PANEL.

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

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

54-2302. DEFINITIONS. Within the meaning of this chapter the follow-
ing definitions apply:
(1) "Department" means the department of self-governing agencies of
the state of Idaho.
(2) "Bureau chief" means the chief of the bureau of occupational li-
censes of the state of Idaho.
(3) "Board" means the Idaho state board of psychologist examiners.
(4) "Licensed medical provider" means a physician or physician assis-
tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced
practice registered nurse licensed pursuant to chapter 14, title 54, Idaho
Code.
(5) "Person," "he" and "his" mean either male or female persons unless
a contrary intention is made manifest. None of these words shall be taken to
mean other than a natural person.
(56) "Psychological services" means any services to which the words
"psychological," "psychologist" or "psychology" are applied by the person
rendering or offering to render them or to the "practice of psychology" as
defined in subsection (47) of this section.
(47) "Practice of psychology" means the application of established
principles of learning, motivation, perception, thinking, and emotional
relationships to problems of personnel evaluation, group relations, and
behavior adjustment. The application of said principles includes, but is
not restricted to, counseling and the use of psychotherapeutic measures
with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(28) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(29) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

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

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses, certification and provisional certification of prescriptive authority; and, at its option, to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

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

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

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

(5) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated. It shall be the duty of any district
court in this state, on application by the board, to compel compliance with
the subpoena by proceedings for contempt, as in the case of disobedience of
the requirements of the subpoena issued from such court for refusal to tes-
tify therein. The licensed person accused in such proceedings shall have the
same right of subpoena.
(6) Proceedings before the board and judicial review of the action of
the board shall be governed by the provisions of chapter 52, title 67, Idaho
Code.
(7) To authorize, by written agreement, the bureau of occupational li-
censes as agent to act in its interest.
(8) To adopt a rule requiring continuing education as a condition of
continued licensure and certification.
(9) To adopt rules allowing for a temporary permit to individuals li-
censed as psychologists in another state authorizing such individuals to
practice psychology in Idaho for a period not to exceed thirty (30) days pur-
suant to such terms and requirements as set forth in the rules.
(10) To establish by rule an inactive license status.
(11) To establish by rule the standards and requirements for the use of
communication technology in the practice of psychology, including supervi-
son.
(12) To establish by rule certification and provisional certification
of prescriptive authority pursuant to sections 54-2316 through 54-2319,
Idaho Code.
(13) To establish by rule a limited formulary or formularies for pre-
scribing use by holders of certification and provisional certification of
prescriptive authority.

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

54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under
this chapter shall issue a prescription without valid certification or pro-
visional certification of prescriptive authority issued pursuant to section
54-2317, 54-2318 or 54-2319, Idaho Code.
(2) Psychologists licensed under this chapter who hold a certification
or a provisional certification of prescriptive authority shall prescribe
only those drugs or controlled substances that are:
(a) Recognized in or customarily used in the diagnosis, treatment and
management of individuals with psychiatric, mental, cognitive, ner-
vous, emotional or behavioral disorders;
(b) Relevant to the practice of psychology or other procedures directly
related thereto; and
(c) Within the scope of the psychologist's license and certification of
prescriptive authority.
(3) A psychologist who holds provisional certification of prescriptive
authority may prescribe only under the direct supervision of a supervising
physician who meets the requirements of section 54-2317(6), Idaho Code.
(4) A psychologist who issues a prescription to a patient pursuant
to this section shall collaborate with the patient's licensed medical
provider.
(5) All prescriptions issued pursuant to this section shall comply with all applicable federal and state laws, rules and regulations and rules of the board.

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

(7) No person licensed under this chapter shall accept any payment, directly or indirectly:
(a) From any person licensed as a health care provider under title 54, Idaho Code, whose license does not permit the writing of prescriptions, for writing a prescription or dispensing a prescription drug to a patient;
(b) From any person who holds himself or herself out as a health care provider in any form who is not licensed under title 54, Idaho Code; or
(c) From any business or professional entity regardless of the form of its organization, for writing a prescription or dispensing a prescription drug to a patient unless such entity is authorized to conduct business under chapter 17, title 54, Idaho Code, or licensed as a licensed health care provider or health care facility or is otherwise approved by the board.

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

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

54-2317. PRESCRIPTIVE AUTHORITY -- PROVISIONAL CERTIFICATION. To qualify for provisional certification of prescriptive authority, a psychologist licensed under this chapter shall meet such standards as prescribed by rule of the board. At a minimum, these standards shall include:
(1) A current license to practice psychology in Idaho;
(2) A doctorate degree in psychology awarded by an accredited program within a United States department of education approved, regionally accredited institution of higher education;
(3) A master's degree in clinical psychopharmacology awarded by an accredited program within a United States department of education approved, regionally accredited institution of higher education. The didactic portion of the education shall be at least two (2) years of full-time education, or the equivalent thereof, and shall be substantially equivalent to the education required of an advanced practice psychiatric nurse practitioner in this state as determined by the institution that offers both clinical psychopharmacology and psychiatric nurse practitioner degrees. The necessary prerequisites for the education shall be determined by the institution that offers the degrees and, in the institution's judgment, shall include sufficient biomedical education to ensure the necessary knowledge and skills to prescribe psychotropic medications in a safe and effective manner. The pro-
gram shall satisfy the requirements to become designated a post-doctoral edu-
cation and training program in clinical psychopharmacology by the Ameri-
can psychological association. The program must be established and admin-
istered by biomedically trained educators and must demonstrate that all con-
tent is covered and that students achieve clinical competency in all areas,
and shall include at a minimum:

(a) Basic science:
   (i) Anatomy;
   (ii) Physiology;
   (iii) Biochemistry;

(b) Neurosciences:
   (i) Neuroanatomy;
   (ii) Neurophysiology;
   (iii) Neurochemistry;

(c) Physical assessments and laboratory exams:
   (i) Physical assessment;
   (ii) Laboratory and radiological assessment;
   (iii) Medical terminology and documentation;

(d) Clinical medicine and pathophysiology:
   (i) Pathophysiology with particular emphasis on cardiac, renal,
       hepatic, neurologic, gastrointestinal, hematologic, dermato-
       logic and endocrine systems;
   (ii) Clinical medicine with particular emphasis on signs, symp-
       toms and treatment of disease states with behavioral, cognitive
       and emotional manifestations or comorbidities;
   (iii) Differential diagnosis;
   (iv) Clinical correlations -- the illustration of the content of
       this domain through case study;
   (v) Substance-related and co-occurring disorders;
   (vi) Chronic pain management;

(e) Clinical and research pharmacology and psychopharmacology:
   (i) Pharmacology;
   (ii) Clinical pharmacology;
   (iii) Pharmacogenetics;
   (iv) Psychopharmacology;
   (v) Developmental psychopharmacology;
   (vi) Issues of diversity in pharmacological practice -- lifespan
       related to drug metabolism;

(f) Clinical pharmacotherapeutics:
   (i) Combined therapies -- psychotherapy/pharmacotherapy inter-
       actions;
   (ii) Computer-based aids to practice;
   (iii) Pharmacoepidemiology;

(g) Research:
   (i) Methodology and design of psychopharmacology research;
   (ii) Interpretation and evaluation of research;
   (iii) Federal food and drug administration drug development and
       regulatory processes; and

(h) Professional, ethical, and legal issues:
(i) Application of existing law, standards and guidelines to pharmacological practice; and
(ii) Relationship with pharmaceutical industry:
   1. Conflicts of interest;
   2. Evaluation of pharmaceutical marketing practices; and
   3. Critical consumer;
(4) Clinical experience that is 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 and prescribing psychologists as determined by the institution offering the clinical psychopharmacology degree;
(5) A passing score on an examination developed by a nationally recognized body and approved by the board; and
(6) Supervision agreements with board-certified psychiatrists, neurologists or other physicians with specialized training and experience in the management of psychotropic medication who are licensed under chapter 18, title 54, Idaho Code, or an equivalent licensing provision of the law of an adjoining state.

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

54-2318. PRESCRIPTIVE AUTHORITY -- CERTIFICATION. (1) An applicant for certification of prescriptive authority may be granted such certification by the board if the applicant possesses provisional certification of prescriptive authority and has successfully completed two (2) years of satisfactory prescribing as attested to by the supervising physician or physicians.
(2) An applicant for certification of prescriptive authority who seeks to prescribe for pediatric or geriatric patients shall have completed at least one (1) year of satisfactory prescribing to such patient populations as attested to by a supervising physician or supervising physicians with specialized training and experience in treating such patient populations.
(3) The board shall develop rules to effect the purposes of sections 54-2316 through 54-2319, Idaho Code. Such rules shall include educational and training standards necessary to qualify for certification of prescriptive authority, application and testing procedures, and fees for an application, provisional certification, certification and renewal of certification. Such fees shall not exceed three hundred dollars ($300) each.

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

54-2319. PRESCRIPTIVE AUTHORITY -- CERTIFICATION BY ENDORSEMENT. An applicant who has a current and unrestricted license to practice psychology and a current and unrestricted certification of prescriptive authority from another state, or training from the United States department of defense demonstration project or other similar program developed and operated by any branch of the armed forces that imposes substantially equivalent edu-
cational and training requirements as those contained in this chapter and
required by the board, upon payment of the required fees, compliance with
section 54-2317(1), Idaho Code, and the approval of the application, may be
certified by endorsement pursuant to this chapter. The board may consider an
applicant's experience in prescribing in another state as meeting a portion
of the requirements necessary to obtain provisional certification or cer-
tification under this chapter, but also shall require additional education
and supervision if the board deems it necessary to meet the educational and
training requirements imposed by this chapter.

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

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