

**SENATE, No. 1864**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Grants prescriptive authority to certain psychologists.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning psychologists and supplementing chapter 14B  
2 of Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 "Board" means the State Board of Psychological Examiners  
9 established pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).

10 "Clinical experience" means a period of supervised training and  
11 practice in which clinical diagnoses and interventions are learned  
12 and which are conducted and supervised as part of the training  
13 program.

14 "Controlled dangerous substance" means controlled dangerous  
15 substance as defined in section 2 of P.L.1970, c.226 (C.24:21-2),  
16 and includes any substances listed in Schedules I through V of the  
17 federal "Controlled Substances Act," Pub.L. 91-513 (21 U.S.C.  
18 s.801 et seq.) as adopted by regulation of the Department of Health  
19 and Senior Services.

20 "Drugs" means drugs as defined in section 2 of P.L.1970, c.226  
21 (C.24:21-2).

22 "Licensed practicing psychologist" means a licensed, practicing  
23 psychologist as defined in section 2 of P.L.1966, c.282 (C.45:14B-  
24 2).

25 "Prescribing psychologist" means a licensed practicing  
26 psychologist with a doctoral-level degree who: (1) has successfully  
27 graduated with a postdoctoral master's degree in clinical  
28 psychopharmacology from a regionally accredited institution of  
29 higher education or has completed equivalent training to the  
30 postdoctoral master's degree approved by the board; (2) has passed  
31 an examination approved by the board that is relevant to  
32 establishing competence for prescribing, as described in section 3 of  
33 this act; and (3) has received from the board a certificate granting  
34 prescriptive authority, which is current and has not been revoked or  
35 suspended.

36 "Prescription" means prescription as defined in section 2 of  
37 P.L.2003, c.280 (C.45:14-41), and includes a controlled dangerous  
38 substance.

39 "Prescriptive authority" means the authority to: (1) prescribe,  
40 administer, discontinue, and distribute drugs, including controlled  
41 dangerous substances, recognized in or customarily used in the  
42 diagnosis, treatment, and management of a person with a  
43 psychiatric, mental, cognitive, nervous, emotional, or behavioral  
44 disorder, or other procedure directly related thereto, within the  
45 scope of practice of psychology in accordance with rules and  
46 regulations adopted pursuant to this act; and (2) order and interpret  
47 tests consistent with prescriptive authority as provided in this act.

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1       2. The board shall:

2       a. issue a certificate granting prescriptive authority, in  
3 accordance with applicable State and federal laws, to a licensed  
4 practicing psychologist with a doctoral-level degree, who meets the  
5 criteria specified in paragraphs (1) and (2) of the definition of  
6 prescribing psychologist in section 1 of this act;

7       b. develop and implement procedures for reviewing the  
8 education and training credentials for issuing such certificates in  
9 accordance with current standards of professional practice; and

10       c. prescribe, by regulation, a method for the renewal of  
11 prescriptive authority at the time of, or in conjunction with, the  
12 renewal of a prescribing psychologist's license pursuant to  
13 P.L.1966, c.282 (C.45:14B-1 et seq.). Each applicant for renewal of  
14 prescriptive authority shall present evidence satisfactory to the  
15 board, demonstrating the completion of 18 contact hours of  
16 continuing education instruction relevant to prescriptive authority  
17 during the previous two-year license period of the licensee.

18

19       3. A licensed practicing psychologist who applies for  
20 prescriptive authority shall demonstrate, by submitting to the board  
21 an official transcript or other official evidence satisfactory to the  
22 board, compliance with the following standards:

23       a. The psychologist holds a doctoral-level degree and has:

24       (1) completed a postdoctoral master's degree in clinical  
25 psychopharmacology from a regionally accredited institution of  
26 higher education or training equivalent to the postdoctoral master's  
27 degree approved by the board. The postdoctoral master's degree in  
28 clinical psychopharmacology or equivalent training shall include a  
29 structured sequence of study in an organized program offering  
30 intensive didactic education, including the following core areas of  
31 instruction: basic life sciences, neurosciences, clinical and research  
32 pharmacology and psychopharmacology, clinical medicine and  
33 pathophysiology, physical assessment and laboratory exams,  
34 clinical pharmacotherapeutics, and research, professional, ethical,  
35 and legal issues.

36       The didactic portion of the education shall consist of at least 400  
37 hours, as recommended by the American Psychological  
38 Association, to ensure acquisition of the necessary knowledge and  
39 skills to prescribe in a safe and effective manner; and

40       (2) obtained relevant clinical experience sufficient to attain  
41 competency in the psychopharmacological treatment of a diverse  
42 patient population under the direction of qualified practitioners,  
43 including, but not limited to, licensed physicians or prescribing  
44 psychologists, as determined by the board; and

45       b. A prescribing psychologist shall pass an examination  
46 developed by a nationally recognized body, such as the American  
47 Psychological Association Practice Organization's College of  
48 Professional Psychology, and approved by the board.

- 1       4. a. A prescribing psychologist shall exercise prescriptive  
2 authority in accordance with rules and regulations adopted pursuant  
3 to this act, which shall include rules and regulations relating to  
4 standards and procedures for consultation and collaboration  
5 between a psychologist and a patient's physician of record.
- 6       b. A prescribing psychologist shall not issue a prescription  
7 unless the psychologist holds a certificate of prescriptive authority  
8 which is current and has not been revoked or suspended.
- 9       c. In the event a patient does not have a physician of record, a  
10 prescribing psychologist shall not prescribe for that patient.
- 11       d. A prescribing psychologist shall consult and collaborate with  
12 a patient's physician of record as follows:
- 13       (1) prescribing psychologists shall prescribe only in consultation  
14 and collaboration with a patient's physician of record, and with the  
15 concurrence of that physician; and
- 16       (2) the prescribing psychologist shall consult with the patient's  
17 physician of record, and obtain concurrence upon initiating, and  
18 prior to making changes to a medication treatment plan, and upon  
19 termination of a medication.
- 20       e. Each prescription issued by a prescribing psychologist shall:
- 21       (1) comply with all applicable State and federal laws and  
22 regulations relating to prescriptive authority; and
- 23       (2) be identified as written by a prescribing psychologist, in  
24 such manner as determined by the board.
- 25       f. A record of all prescriptions issued for a patient and all  
26 consultations with the physician of record of a patient shall be  
27 maintained in the patient's record.
- 28       g. A prescribing psychologist shall not delegate his prescriptive  
29 authority to any other person.
- 30
- 31       5. a. A prescribing psychologist, when prescribing a controlled  
32 dangerous substance, shall file with the board in a timely manner  
33 the prescribing psychologist's Drug Enforcement Administration  
34 registration and number, and the State controlled dangerous  
35 substance license number, if applicable.
- 36       b. The board shall maintain current records of each prescribing  
37 psychologist with prescriptive authority, including the  
38 psychologist's Drug Enforcement Administration registration and  
39 number.
- 40
- 41       6. a. The board shall transmit to the New Jersey State Board of  
42 Pharmacy a list of prescribing psychologists. The list shall include,  
43 for each prescribing psychologist:
- 44       (1) the person's name;
- 45       (2) the identification number assigned to the person by the  
46 board; and
- 47       (3) the effective date of the person's prescriptive authority.

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1       b. As a new certificate granting prescriptive authority is issued,  
2 the board shall update the list specified in subsection a. of this  
3 section by promptly forwarding to the New Jersey State Board of  
4 Pharmacy information specified in subsection a. of this section.

5       c. The board shall notify the New Jersey State Board of  
6 Pharmacy, in a timely manner, upon termination, suspension, or  
7 reinstatement of prescriptive authority of a prescribing  
8 psychologist.

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10       7. An interim advisory panel shall be established to prepare  
11 proposed rules and regulations governing prescribing authority for  
12 psychologists. The interim panel shall be comprised of a  
13 psychiatrist and a pediatrician selected by the State Board of  
14 Medical Examiners, a pharmacist holding a doctoral-level degree  
15 selected by the New Jersey State Board of Pharmacy, a psychologist  
16 who has completed a postdoctoral master's degree in clinical  
17 psychopharmacology selected by the Board of Psychological  
18 Examiners, and the Director of the Farleigh Dickinson University's  
19 M.S. Program in Clinical Psychopharmacology. The interim panel  
20 is to be selected within 90 days of the enactment date of this bill.  
21 Panel members shall be directly responsible to the Director of the  
22 Division of Consumer Affairs. The panel shall have 120 days  
23 following the appointment of the majority of the panel to submit to  
24 the State Board of Psychological Examiners its recommendations,  
25 or if the panel fails to meet the 120-day submission deadline, the  
26 panel shall cease to exist.

27  
28       8. Pursuant to the "Administrative Procedure Act," P.L.1968,  
29 c.410 (C.52:14B-1 et seq.), and section 7 of this act, the board shall  
30 adopt rules and regulations to effectuate the purposes of this act.

31  
32       9. This act shall take effect on the first day of the seventh  
33 month next following the date of enactment, but the board may take  
34 such anticipatory administrative action in advance thereof as shall  
35 be necessary for the implementation of this act.

36  
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38                   STATEMENT

39  
40       This bill provides for certain licensed psychologists to prescribe  
41 medications.

42       As provided in this bill, the State Board of Psychological  
43 Examiners (board) shall issue a certificate of "prescriptive  
44 authority" to a licensed practicing psychologist with a doctoral-  
45 level degree, who: (1) has successfully graduated with a  
46 postdoctoral master's degree in clinical psychopharmacology from a  
47 regionally accredited institution of higher education or has  
48 completed equivalent training to the postdoctoral master's degree

1 approved by the board; and (2) has passed an examination approved  
2 by the board that is relevant to establishing competence for  
3 prescribing drugs.

4 "Prescriptive authority" is defined in the bill as the authority to:  
5 (1) prescribe, administer, discontinue, and distribute drugs,  
6 including controlled dangerous substances, recognized in or  
7 customarily used in the diagnosis, treatment, and management of a  
8 person with a psychiatric, mental, cognitive, nervous, emotional, or  
9 behavioral disorder, or other procedure directly related thereto,  
10 within the scope of practice of psychology in accordance with rules  
11 and regulations adopted pursuant to the bill; and (2) order and  
12 interpret tests consistent with prescriptive authority as provided in  
13 this bill.

14 Under the provisions of the bill, in addition to issuing a  
15 certificate of prescriptive authority, the board is mandated to  
16 develop and implement procedures for reviewing the education and  
17 training credentials for issuing such certificates in accordance with  
18 current standards of professional practice.

19 The bill provides that a licensed practicing psychologist who  
20 applies for prescriptive authority must demonstrate, by submitting  
21 to the board an official transcript or other official evidence  
22 satisfactory to the board, compliance with the following standards:

- 23 • The psychologist holds a doctoral-level degree and has:  
24 --completed a postdoctoral master's degree in clinical  
25 psychopharmacology from a regionally accredited institution of  
26 higher education or training equivalent to the postdoctoral  
27 master's degree approved by the board. The degree in clinical  
28 psychopharmacology or equivalent training must include a  
29 structured sequence of study in an organized program offering  
30 intensive didactic education, including the following core areas  
31 of instruction: basic life sciences, neurosciences, clinical and  
32 research pharmacology and psychopharmacology, clinical  
33 medicine and pathophysiology, physical assessment and  
34 laboratory exams, clinical pharmacotherapeutics, and research,  
35 professional, ethical, and legal issues. In addition, the didactic  
36 portion of the education must consist of at least 400 hours; and  
37 -- obtained relevant clinical experience sufficient to attain  
38 competency in the psychopharmacological treatment of a diverse  
39 patient population under the direction of qualified practitioners,  
40 including, but not limited to, licensed physicians or prescribing  
41 psychologists, as determined by the board.

42 A prescribing psychologist must pass an examination developed  
43 by a nationally recognized body, such as the American  
44 Psychological Association Practice Organization's College of  
45 Professional Psychology, and approved by the board.

46 The bill also specifies that:

- 47 • A prescribing psychologist shall exercise prescriptive authority  
48 in accordance with rules and regulations adopted pursuant to the

- 1 bill, which shall include rules and regulations relating to  
2 standards and procedures for consultation and collaboration  
3 between a psychologist and a patient's physician of record;
- 4 • A prescribing psychologist shall not issue a prescription unless  
5 the psychologist holds a certificate of prescriptive authority  
6 which is current and has not been revoked or suspended;
  - 7 • In the event a patient does not have a physician of record, a  
8 prescribing psychologist shall not prescribe for that patient;
  - 9 • A prescribing psychologist shall consult and collaborate with a  
10 patient's physician of record as follows: (1) prescribing  
11 psychologists shall prescribe only in consultation and  
12 collaboration with a patient's physician of record, and with the  
13 concurrence of that physician; and (2) the prescribing  
14 psychologist shall consult with the patient's physician of record,  
15 and obtain concurrence upon initiating, and prior to making  
16 changes to a medication treatment plan, and upon termination of  
17 a medication;
  - 18 • Each prescription issued by a prescribing psychologist shall:  
19 --comply with all applicable State and federal laws and  
20 regulations relating to prescriptive authority; and  
21 --be identified as written by a prescribing psychologist, in such  
22 manner as determined by the board;
  - 23 • A record of all prescriptions issued for a patient and all  
24 consultations with the physician of record shall be maintained in  
25 the patient's record;
  - 26 • A prescribing psychologist shall not delegate his prescriptive  
27 authority to any other person; and
  - 28 • A prescribing psychologist, when prescribing a controlled  
29 dangerous substance, shall file with the board in a timely  
30 manner the prescribing psychologist's Drug Enforcement  
31 Administration registration and number, and the State controlled  
32 dangerous substance license number, if applicable.
- 33 The board is required to maintain current records of each  
34 prescribing psychologist with prescriptive authority, including the  
35 psychologist's Drug Enforcement Administration registration and  
36 number, and is to transmit to the New Jersey State Board of  
37 Pharmacy a list of prescribing psychologists. The list, which would  
38 be updated, as necessary, shall include, for each prescribing  
39 psychologist: the person's name; the identification number assigned  
40 to the person by the board; and the effective date of the person's  
41 prescriptive authority. In addition, the board must notify the New  
42 Jersey State Board of Pharmacy, in a timely manner, upon  
43 termination, suspension, or reinstatement of prescriptive authority  
44 of a prescribing psychologist.
- 45 In addition, the bill provides that an interim panel shall be  
46 established to prepare proposed rules and regulations governing  
47 prescribing authority for psychologists. The interim panel shall be  
48 comprised of a psychiatrist and a pediatrician selected by the State

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1 Board of Medical Examiners, a pharmacist holding a doctoral-level  
2 degree selected by the New Jersey State Board of Pharmacy, a  
3 psychologist who has completed a postdoctoral master's degree in  
4 clinical psychopharmacology selected by the Board of  
5 Psychological Examiners, and the Director of the Farleigh  
6 Dickinson University's M.S. Program in Clinical  
7 Psychopharmacology. The interim panel is to be selected within 90  
8 days of the enactment date of this bill. Panel members shall be  
9 directly responsible to the Director of the Division of Consumer  
10 Affairs. The panel shall have 120 days following the appointment  
11 of the majority of the panel to submit to the State Board of  
12 Psychological Examiners its recommendations, or if the panel fails  
13 to meet the 120-day submission deadline, the panel shall cease to  
14 exist.