

ASSEMBLY, No. 2419

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Singleton, Eustace, Mainor, P.Barnes, III, Assemblywoman Caride and Assemblyman Wolfe

SYNOPSIS

Provides for certain psychologists to prescribe medications.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/25/2012)

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34 prescriptive authority, which is current and has not been revoked or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 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.

47

48 2. The board shall:

- 1 a. issue a certificate granting prescriptive authority, in
2 accordance with applicable State and federal laws, to a licensed
3 practicing psychologist with a doctoral-level degree, who meets the
4 criteria specified in paragraphs (1) and (2) of the definition of
5 prescribing psychologist in section 1 of this act;
- 6 b. develop and implement procedures for reviewing the
7 education and training credentials for issuing such certificates in
8 accordance with current standards of professional practice; and
- 9 c. prescribe, by regulation, a method for the renewal of
10 prescriptive authority at the time of, or in conjunction with, the
11 renewal of a prescribing psychologist's license pursuant to
12 P.L.1966, c.282 (C.45:14B-1 et seq.). Each applicant for renewal of
13 prescriptive authority shall present evidence satisfactory to the
14 board, demonstrating the completion of 18 contact hours of
15 continuing education instruction relevant to prescriptive authority
16 during the previous two-year license period of the licensee.

17

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

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

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

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

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

44 b. A prescribing psychologist shall pass an examination
45 developed by a nationally recognized body, such as the American
46 Psychological Association Practice Organization's College of
47 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.
- 4 b. A prescribing psychologist shall not issue a prescription
5 unless the psychologist:
- 6 (1) holds a certificate of prescriptive authority which is current
7 and has not been revoked or suspended; and
- 8 (2) has first contacted the physician of record of a patient to
9 discuss the prescription.
- 10 c. Each prescription issued by a prescribing psychologist shall:
- 11 (1) comply with all applicable State and federal laws and
12 regulations relating to prescriptive authority; and
- 13 (2) be identified as written by a prescribing psychologist, in
14 such manner as determined by the board.
- 15 d. A record of all prescriptions issued for a patient shall be
16 maintained in the patient's record.
- 17 e. A prescribing psychologist shall not delegate his prescriptive
18 authority to any other person.
- 19
- 20 5. a. A prescribing psychologist, when prescribing a controlled
21 dangerous substance, shall file with the board in a timely manner
22 the prescribing psychologist's Drug Enforcement Administration
23 registration and number, and the State controlled dangerous
24 substance license number, if applicable.
- 25 b. The board shall maintain current records of each prescribing
26 psychologist with prescriptive authority, including the
27 psychologist's Drug Enforcement Administration registration and
28 number.
- 29
- 30 6. a. The board shall transmit to the New Jersey State Board of
31 Pharmacy a list of prescribing psychologists. The list shall include,
32 for each prescribing psychologist:
- 33 (1) the person's name;
- 34 (2) the identification number assigned to the person by the
35 board; and
- 36 (3) the effective date of the person's prescriptive authority.
- 37 b. As a new certificate granting prescriptive authority is issued,
38 the board shall update the list specified in subsection a. of this
39 section by promptly forwarding to the New Jersey State Board of
40 Pharmacy information specified in subsection a. of this section.
- 41 c. The board shall notify the New Jersey State Board of
42 Pharmacy, in a timely manner, upon termination, suspension, or
43 reinstatement of prescriptive authority of a prescribing
44 psychologist.
- 45
- 46 7. Pursuant to the "Administrative Procedure Act," P.L.1968,
47 c.410 (C.52:14B-1 et seq.), the board shall adopt rules and
48 regulations to effectuate the purposes of this act.

1 laboratory exams, clinical pharmacotherapeutics, and research,
2 professional, ethical, and legal issues. In addition, the didactic
3 portion of the education must consist of at least 400 hours; and
4 -- obtained relevant clinical experience sufficient to attain
5 competency in the psychopharmacological treatment of a diverse
6 patient population under the direction of qualified practitioners,
7 including, but not limited to, licensed physicians or prescribing
8 psychologists, as determined by the board.

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

13 The bill also specifies that:

- 14 • A prescribing psychologist shall exercise prescriptive authority
15 in accordance with rules and regulations adopted pursuant to the
16 bill;
- 17 • A prescribing psychologist shall not issue a prescription unless
18 the psychologist holds a certificate of prescriptive authority
19 which is current and has not been revoked or suspended; and has
20 first contacted the physician of record of a patient to discuss the
21 prescription;
- 22 • Each prescription issued by a prescribing psychologist shall:
23 --comply with all applicable State and federal laws and
24 regulations relating to prescriptive authority; and
25 --be identified as written by a prescribing psychologist, in such
26 manner as determined by the board;
- 27 • A record of all prescriptions issued for a patient shall be
28 maintained in the patient's record;
- 29 • A prescribing psychologist shall not delegate his prescriptive
30 authority to any other person; and
- 31 • A prescribing psychologist, when prescribing a controlled
32 dangerous substance, shall file with the board in a timely
33 manner the prescribing psychologist's Drug Enforcement
34 Administration registration and number, and the State controlled
35 dangerous substance license number, if applicable.

36 The board is required to maintain current records of each
37 prescribing psychologist with prescriptive authority, including the
38 psychologist's Drug Enforcement Administration registration and
39 number, and is to transmit to the New Jersey State Board of
40 Pharmacy a list of prescribing psychologists. The list, which would
41 be updated, as necessary, shall include, for each prescribing
42 psychologist: the person's name; the identification number assigned
43 to the person by the board; and the effective date of the person's
44 prescriptive authority. In addition, the board must notify the New
45 Jersey State Board of Pharmacy, in a timely manner, upon
46 termination, suspension, or reinstatement of prescriptive authority
47 of a prescribing psychologist.

A2419 DIEGNAN, COUGHLIN

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1 The bill provides for rulemaking by the board and has a delayed
2 effective date of the first day of the seventh month following
3 enactment, but allows the board to take anticipatory action in
4 advance as necessary for implementation of the bill.