

# SENATE, No. 137

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senator Weinberg**

**SYNOPSIS**

Provides for certain psychologists to prescribe medications.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 5/4/2012)**

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34 prescriptive authority, which is current and has not been revoked or  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

- 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

1 Psychological Association Practice Organization's College of  
2 Professional Psychology, and approved by the board.

3

4 4. a. A prescribing psychologist shall exercise prescriptive  
5 authority in accordance with rules and regulations adopted pursuant  
6 to this act.

7 b. A prescribing psychologist shall not issue a prescription  
8 unless the psychologist:

9 (1) holds a certificate of prescriptive authority which is current  
10 and has not been revoked or suspended; and

11 (2) has first contacted the physician of record of a patient to  
12 discuss the prescription.

13 c. Each prescription issued by a prescribing psychologist shall:

14 (1) comply with all applicable State and federal laws and  
15 regulations relating to prescriptive authority; and

16 (2) be identified as written by a prescribing psychologist, in  
17 such manner as determined by the board.

18 d. A record of all prescriptions issued for a patient shall be  
19 maintained in the patient's record.

20 e. A prescribing psychologist shall not delegate his prescriptive  
21 authority to any other person.

22

23 5. a. A prescribing psychologist, when prescribing a controlled  
24 dangerous substance, shall file with the board in a timely manner  
25 the prescribing psychologist's Drug Enforcement Administration  
26 registration and number, and the State controlled dangerous  
27 substance license number, if applicable.

28 b. The board shall maintain current records of each prescribing  
29 psychologist with prescriptive authority, including the  
30 psychologist's Drug Enforcement Administration registration and  
31 number.

32

33 6. a. The board shall transmit to the New Jersey State Board of  
34 Pharmacy a list of prescribing psychologists. The list shall include,  
35 for each prescribing psychologist:

36 (1) the person's name;

37 (2) the identification number assigned to the person by the  
38 board; and

39 (3) the effective date of the person's prescriptive authority.

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

44 c. The board shall notify the New Jersey State Board of  
45 Pharmacy, in a timely manner, upon termination, suspension, or  
46 reinstatement of prescriptive authority of a prescribing  
47 psychologist.

1       7. Pursuant to the "Administrative Procedure Act," P.L.1968,  
2 c.410 (C.52:14B-1 et seq.), the board shall adopt rules and  
3 regulations to effectuate the purposes of this act.  
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5       8. This act shall take effect on the first day of the seventh  
6 month next following the date of enactment, but the board may take  
7 such anticipatory administrative action in advance thereof as shall  
8 be necessary for the implementation of this act.  
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STATEMENT

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13       This bill provides for certain licensed psychologists to prescribe  
14 medications.

15       The State Board of Psychological Examiners (board) would issue  
16 a certificate of "prescriptive authority" to a licensed practicing  
17 psychologist with a doctoral-level degree, who: (1) has successfully  
18 graduated with a postdoctoral master's degree in clinical  
19 psychopharmacology from a regionally accredited institution of  
20 higher education or has completed equivalent training to the  
21 postdoctoral master's degree approved by the board; and (2) has  
22 passed an examination approved by the board that is relevant to  
23 establishing competence for prescribing drugs.

24       "Prescriptive authority" is defined in the bill as the authority to  
25 prescribe, administer, discontinue, and distribute drugs, including  
26 controlled dangerous substances, recognized in or customarily used  
27 in the diagnosis, treatment, and management of a person with a  
28 psychiatric, mental, cognitive, nervous, emotional, or behavioral  
29 disorder, or other procedure directly related thereto, within the  
30 scope of practice of psychology in accordance with rules and  
31 regulations adopted pursuant to the bill.

32       Under the provisions of the bill, in addition to issuing a  
33 certificate of prescriptive authority, the board would develop and  
34 implement procedures for reviewing the education and training  
35 credentials for issuing such certificates in accordance with current  
36 standards of professional practice.

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

- 41       • The psychologist holds a doctoral-level degree and has:  
42       --completed a postdoctoral master's degree in clinical  
43       psychopharmacology from a regionally accredited institution of  
44       higher education or training equivalent to the postdoctoral  
45       master's degree approved by the board. The degree in clinical  
46       psychopharmacology or equivalent training must include a  
47       structured sequence of study in an organized program offering

1 intensive didactic education, including the following core areas  
2 of instruction: basic life sciences, neurosciences, clinical and  
3 research pharmacology and psychopharmacology, clinical  
4 medicine and pathophysiology, physical assessment and  
5 laboratory exams, clinical pharmacotherapeutics, and research,  
6 professional, ethical, and legal issues. In addition, the didactic  
7 portion of the education must consist of at least 400 hours; and  
8 -- obtained relevant clinical experience sufficient to attain  
9 competency in the psychopharmacological treatment of a diverse  
10 patient population under the direction of qualified practitioners,  
11 including, but not limited to, licensed physicians or prescribing  
12 psychologists, as determined by the board.

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

17 The bill also specifies that:

- 18 • A prescribing psychologist shall exercise prescriptive authority  
19 in accordance with rules and regulations adopted pursuant to the  
20 bill;

21 A prescribing psychologist shall not issue a prescription unless the  
22 psychologist: holds a certificate of prescriptive authority which is  
23 current and has not been revoked or suspended; and has first  
24 contacted the physician of record of a patient to discuss the  
25 prescription.

- 26 • Each prescription issued by a prescribing psychologist shall:  
27 --comply with all applicable State and federal laws and  
28 regulations relating to prescriptive authority; and  
29 --be identified as written by a prescribing psychologist, in such  
30 manner as determined by the board;
- 31 • A record of all prescriptions issued for a patient shall be  
32 maintained in the patient's record;
- 33 • A prescribing psychologist shall not delegate his prescriptive  
34 authority to any other person; and
- 35 • A prescribing psychologist, when prescribing a controlled  
36 dangerous substance, shall file with the board in a timely  
37 manner the prescribing psychologist's Drug Enforcement  
38 Administration registration and number, and the State controlled  
39 dangerous substance license number, if applicable.

40 The board would maintain current records of each prescribing  
41 psychologist with prescriptive authority, including the  
42 psychologist's Drug Enforcement Administration registration and  
43 number, and would transmit to the New Jersey State Board of  
44 Pharmacy a list of prescribing psychologists. The list, which would  
45 be updated, as necessary, would include, for each prescribing  
46 psychologist: the person's name; the identification number assigned  
47 to the person by the board; and the effective date of the person's

**S137 RICE**

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1 prescriptive authority. In addition, the board must notify the New  
2 Jersey State Board of Pharmacy, in a timely manner, upon  
3 termination, suspension, or reinstatement of prescriptive authority  
4 of a prescribing psychologist.

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