

Senate File 2188 - Enrolled

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AN ACT

RELATING TO PRESCRIPTION AUTHORITY FOR CERTAIN PSYCHOLOGISTS
AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.3, subsection 35, Code 2016, is amended to read as follows:

35. "*Pharmacy*" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

Sec. 2. Section 124.101, subsection 26, paragraph a, Code 2016, is amended to read as follows:

a. A physician, dentist, podiatric physician, prescribing psychologist, veterinarian, scientific investigator or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

Sec. 3. Section 147.107, subsections 1 and 2, Code 2016, are amended to read as follows:

1. A person, other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. a. A pharmacist, physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system or when a pharmacist is utilizing a tech-check-tech program, as defined in [section 155A.3](#). When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Verification of automated dispensing and tech-check-tech accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, ~~and~~ the board of podiatry, and the board of psychology for their respective licensees.

b. A dentist, physician, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to [this subsection](#), shall report the fact that they dispense prescription drugs with the practitioner's respective board at least biennially.

c. A physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to [this subsection](#), shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with [section 155A.27](#) to a pharmacy of the patient's choice.

Sec. 4. NEW SECTION. 148.13A Board authority over physicians supervising certain psychologists.

The board of medicine shall, in consultation with the board of psychology, establish by rule all of the following:

1. Specific minimum standards for the appropriate supervision of a psychologist prescribing medication pursuant to a conditional prescription certificate under chapter 154B. Such standards shall include requiring a physician serving as a supervising licensed physician to notify the board of medicine of the identity of the psychologist the physician is supervising and any change in the status of the supervisory relationship.

2. The process for initiating and conducting disciplinary proceedings under chapter 17A if a licensed physician fails to adequately supervise a psychologist prescribing psychotropic medications pursuant to a prescription certificate under chapter 154B. The rule shall take into account the deliberations of the board in making such a determination.

Sec. 5. NEW SECTION. 148.13B Requirements for prescription certificates for psychologists — joint rules.

1. The board of medicine and the board of psychology shall adopt joint rules in regard to the following:

a. Education and training requirements for prescription certificates pursuant to sections 154B.10 and 154B.11.

b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2.

2. The board of medicine shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11.

3. The joint rules, and any amendments thereto, adopted by the board of medicine and the board of psychology pursuant to this section and section 154B.14 shall only be adopted by agreement of both boards through a joint rule-making process.

Sec. 6. Section 154B.1, Code 2016, is amended to read as follows:

154B.1 Definition Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of psychology created under chapter 147.

2. "Collaborative practice agreement" means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, and patients with serious medical conditions including but not limited to heart disease, cancer, stroke, seizures, and patients with developmental disabilities and intellectual disabilities.

3. "Collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a licensed physician in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care.

4. "Conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

5. "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state who is board-certified in family medicine, internal medicine, pediatrics, psychiatry, or another specialty who prescribes medications for the treatment of a mental disorder to patients in the normal course of the person's clinical medical practice pursuant to joint rules adopted by the board of psychology and the board of medicine.

6. "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relations to problems of behavior adjustment, group relations, and behavior modification,

by persons trained in psychology for compensation or other personal gain. The application of principles includes, but is not limited to: Counseling and the use of psychological remedial measures with persons, in groups or individually, with adjustment or emotional problems in the areas of work, family, school, and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on the problems relating to human behavior.

7. "Prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate.

8. "Prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to this chapter.

9. "Psychotropic medication" means a medicine that shall not be dispensed or administered without a prescription and that has been explicitly approved by the federal food and drug administration for the treatment of a mental disorder, as defined by the most recent version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association or the most recent version of the international classification of diseases. "Psychotropic medication" does not include narcotics.

Sec. 7. NEW SECTION. 154B.9 Drugs — medicine.

1. Except as provided in subsections 2 and 3, a psychologist shall not administer or prescribe drugs or medicine.

2. A licensed psychologist holding a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

3. A prescribing psychologist may prescribe psychotropic medication pursuant to joint rules adopted by the board of psychology and the board of medicine and the provisions of this chapter.

Sec. 8. NEW SECTION. 154B.10 Conditional prescription certificate.

1. An applicant for a conditional prescription certificate shall be granted a certificate by the board if the applicant

satisfies all of the following requirements:

a. Holds a current license to practice psychology in this state.

b. Completed pharmacological training from an institution approved by the board of psychology and the board of medicine or from a provider of continuing education approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards.

c. Passed a national certification examination approved by the board of psychology and the board of medicine that tested the applicant's knowledge of pharmacology in the diagnosis, care, and treatment of mental disorders.

d. Within five years immediately preceding the date of application, successfully completed a post-doctoral master of science degree in clinical psychopharmacology approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards. The program shall at a minimum include coursework in neuroscience, pharmacology, psychopharmacology, physiology, and appropriate and relevant physical and laboratory assessments.

e. Within five years immediately preceding the date of application, has been certified by the applicant's supervising physician as having successfully completed a supervised and relevant clinical experience in clinical assessment and pathophysiology and an additional supervised practicum treating patients with mental disorders. The practica shall have been supervised by a trained physician. The board of psychology and the board of medicine, pursuant to joint rules adopted by the boards, shall determine sufficient practica to competently train the applicant in the treatment of a diverse patient population.

f. Possesses malpractice insurance that will cover the applicant during the period the conditional prescription certificate is in effect.

g. Meets all other requirements, as determined by joint rules adopted by the board of psychology and the board of medicine, for obtaining a conditional prescription certificate.

2. A conditional prescription certificate is valid for four years, at the end of which the holder may apply again pursuant

to the provisions of subsection 1.

3. A psychologist with a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician subject to all of the following conditions:

a. The psychologist shall continue to hold a current license to practice psychology in this state and continue to maintain malpractice insurance.

b. The psychologist shall inform the board of the name of the physician under whose supervision the psychologist will prescribe psychotropic medication and promptly inform the board of any change of the supervising physician.

c. A physician supervising a psychologist prescribing psychotropic medication pursuant to a conditional prescription certificate shall be subject to disciplinary action pursuant to section 148.13A for the acts and omissions of the psychologist while under the physician's supervision. This provision does not relieve the psychologist from liability for the psychologist's acts and omissions.

d. Any other rules adopted jointly by the board of psychology and the board of medicine.

Sec. 9. NEW SECTION. 154B.11 Prescription certificate.

1. An applicant for a prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements:

a. Possesses a conditional prescription certificate and has successfully completed two years of prescribing psychotropic medication as certified by the supervising licensed physician. An applicant for a prescription certificate who specializes in the psychological care of children, elderly persons, or persons with comorbid psychological conditions shall complete at least one year prescribing psychotropic medications to such populations as certified by the supervising licensed physician.

b. Holds a current license to practice psychology in this state.

c. Possesses malpractice insurance that will cover the applicant as a prescribing psychologist.

d. Meets all other requirements, as determined by rules adopted by the board, for obtaining a prescription certificate

including joint rules adopted by the board of psychology and the board of medicine.

2. A psychologist with a prescription certificate may prescribe psychotropic medication pursuant to the provisions of this chapter subject to the following conditions:

a. The psychologist continues to hold a current license to practice psychology in this state and maintains malpractice insurance.

b. The psychologist annually satisfies the continuing education requirements for prescribing psychologists, as determined by the board, which shall be no fewer than twenty hours each year.

c. The psychologist has entered into a collaborative practice agreement with a licensed physician.

d. Any other rules adopted jointly by the board of psychology and the board of medicine.

Sec. 10. NEW SECTION. **154B.12 Prescribing practices.**

1. A prescribing psychologist or a psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the scope of the psychologist's profession, including the ordering and review of laboratory tests in conjunction with the prescription, for the treatment of mental disorders. Such prescribing practices shall be governed by joint rules adopted by the board of psychology and the board of medicine.

2. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the licensed physician who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition, and significant changes in the patient's medical or psychological condition are discussed.

3. A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall meet all of the following requirements:

a. Comply with applicable state and federal laws.

b. Be identified as issued by the psychologist as

"psychologist certified to prescribe".

c. Include the psychologist's board-assigned identification number.

4. A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person. Records of all prescriptions shall be maintained in patient records.

5. When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the board in a timely manner all individual federal drug enforcement agency registration and numbers. The board shall maintain current records on every psychologist, including federal registration and numbers.

Sec. 11. NEW SECTION. 154B.13 Board duties regarding prescription certificates and conditional prescription certificates.

1. The board shall, in consultation with the board of medicine, adopt rules to carry out the provisions of this chapter relating to prescribing psychologists. The rules shall include but not be limited to all of the following:

a. Procedures to obtain a conditional prescription certificate, a prescription certificate, and a renewal of a prescription certificate. The board may set reasonable application and renewal fees.

b. Grounds for the denial, suspension, or revocation of a conditional prescription certificate and a prescription certificate, including a provision for suspension or revocation of a license to practice psychology upon suspension of a conditional prescription certificate and a prescription certificate.

c. The provision of an annual list of psychologists with prescription certificates and psychologists with conditional prescription certificates that contains the information agreed to between the board and the board of medicine. The board shall promptly notify the board of medicine of psychologists who are added to or removed from the list.

d. Any other rules necessary for the administration of this chapter.

2. The board shall appoint a prescribing psychologist rules subcommittee comprised of a psychologist appointed by the board, a physician appointed by the board of medicine, and a member of the public appointed by the director of public health to develop rules for consideration by the board pursuant to this section.

Sec. 12. NEW SECTION. **154B.14 Requirements for prescription certificates — joint rules.**

1. The board of psychology and the board of medicine shall adopt joint rules in regard to the following:

a. Education and training requirements pursuant to sections 154B.10 and 154B.11.

b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2.

2. The board of psychology shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11.

3. The joint rules, and any amendments thereto, adopted by the board of psychology and the board of medicine pursuant to this section and section 148.13B shall only be adopted by agreement of both boards through a joint rule-making process.

Sec. 13. Section 155A.3, subsection 35, Code 2016, is amended to read as follows:

35. "*Practitioner*" means a physician, dentist, podiatric physician, prescribing psychologist, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

Sec. 14. Section 155A.23, subsection 1, paragraph c, Code 2016, is amended to read as follows:

c. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be

a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, prescribing psychologist, veterinarian, or other authorized person.

Sec. 15. Section 155A.24, subsection 14, Code 2016, is amended to read as follows:

14. **This section** does not prevent a licensed practitioner of medicine, dentistry, podiatry, nursing, psychology, veterinary medicine, optometry, or pharmacy from acts necessary in the ethical and legal performance of the practitioner's profession.

PAM JOCHUM
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2188, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD
Governor