

**Senate File 2188 - Reprinted**

SENATE FILE 2188  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SF 2075)

(As Amended and Passed by the Senate April 6, 2016)

**A BILL FOR**

1 An Act relating to prescription authority for certain  
2 psychologists and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

8 Sec. 2. Section 124.101, subsection 26, paragraph a, Code  
9 2016, is amended to read as follows:

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

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

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

23 2. a. A pharmacist, physician, dentist, ~~or~~ podiatric  
24 physician, or prescribing psychologist who dispenses  
25 prescription drugs, including but not limited to controlled  
26 substances, for human use, may delegate nonjudgmental  
27 dispensing functions to staff assistants only when verification  
28 of the accuracy and completeness of the dispensing is  
29 determined by the pharmacist or practitioner in the  
30 pharmacist's or practitioner's physical presence. However, the  
31 physical presence requirement does not apply when a pharmacist  
32 or practitioner is utilizing an automated dispensing system or  
33 when a pharmacist is utilizing a tech-check-tech program, as  
34 defined in [section 155A.3](#). When using an automated dispensing  
35 system the pharmacist or practitioner shall utilize an

1 internal quality control assurance plan that ensures accuracy  
2 for dispensing. When using a tech-check-tech program the  
3 pharmacist shall utilize an internal quality control assurance  
4 plan, in accordance with rules adopted by the board of  
5 pharmacy, that ensures accuracy for dispensing. Verification  
6 of automated dispensing and tech-check-tech accuracy and  
7 completeness remains the responsibility of the pharmacist or  
8 practitioner and shall be determined in accordance with rules  
9 adopted by the board of pharmacy, the board of medicine, the  
10 dental board, ~~and the board of podiatry,~~ and the board of  
11 psychology for their respective licensees.

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

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

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

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

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

1 relationship.

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

8 Sec. 5. Section 154B.1, Code 2016, is amended to read as  
9 follows:

10 **154B.1 ~~Definition~~ Definitions.**

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

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

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

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

34 4. "Conditional prescription certificate" means a document  
35 issued by the board to a licensed psychologist that permits

1 the holder to prescribe psychotropic medication under the  
2 supervision of a licensed physician pursuant to this chapter.

3 5. "Practice of psychology" means the application of  
4 established principles of learning, motivation, perception,  
5 thinking, and emotional relations to problems of behavior  
6 adjustment, group relations, and behavior modification,  
7 by persons trained in psychology for compensation or other  
8 personal gain. The application of principles includes, but  
9 is not limited to: Counseling and the use of psychological  
10 remedial measures with persons, in groups or individually,  
11 with adjustment or emotional problems in the areas of work,  
12 family, school, and personal relationships; measuring and  
13 testing personality, intelligence, aptitudes, public opinion,  
14 attitudes, and skills; and the teaching of such subject matter,  
15 and the conducting of research on the problems relating to  
16 human behavior.

17 6. "Prescribing psychologist" means a licensed psychologist  
18 who holds a valid prescription certificate.

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

22 8. "Psychotropic medication" means a controlled substance  
23 or dangerous drug that shall not be dispensed or administered  
24 without a prescription and that has been approved by the  
25 federal food and drug administration for the treatment of  
26 mental disorders, as defined by the most current diagnostic  
27 and statistical manual of mental disorders published by the  
28 American psychiatric association or the most current version  
29 of the international classification of diseases, and that is  
30 listed as a psychotherapeutic agent in the American hospital  
31 formulary service. "Psychotropic medication" does not include  
32 narcotics.

33 **Sec. 6. NEW SECTION. 154B.9 Drugs — medicine.**

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

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

5     3. A prescribing psychologist may prescribe psychotropic  
6 medication pursuant to this chapter.

7     Sec. 7. NEW SECTION.   **154B.10 Conditional prescription**  
8 **certificate.**

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

12     *a.* Holds a current license to practice psychology in this  
13 state.

14     *b.* Completed pharmacological training from an institution  
15 approved by the board or from a provider of continuing  
16 education approved by the board.

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

20     *d.* Within five years immediately preceding the date of  
21 application, successfully completed a post-doctoral master of  
22 science degree in clinical psychopharmacology approved by the  
23 board of psychology. The program shall at a minimum include  
24 coursework in neuroscience, pharmacology, psychopharmacology,  
25 physiology, and appropriate and relevant physical and  
26 laboratory assessments.

27     *e.* Within five years immediately preceding the date of  
28 application, has been certified by the applicant's supervising  
29 physician as having successfully completed a supervised and  
30 relevant clinical experience of no less than an eighty-hour  
31 practicum in clinical assessment and pathophysiology and an  
32 additional supervised practicum of at least four hundred  
33 hours treating no fewer than one hundred patients with mental  
34 disorders. The practica shall have been supervised by a  
35 trained physician. The board shall determine whether the

1 practica is sufficient to competently train the applicant in  
2 the treatment of a diverse patient population.

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

6 *g.* Meets all other requirements, as determined by rules  
7 adopted by the board, for obtaining a conditional prescription  
8 certificate.

9 2. A conditional prescription certificate is valid for four  
10 years, at the end of which the holder may apply again pursuant  
11 to the provisions of subsection 1.

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

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

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

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

30 Sec. 8. NEW SECTION. 154B.11 Prescription certificate.

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

34 *a.* Possesses a conditional prescription certificate and has  
35 successfully completed two years of prescribing psychotropic

1 medication as certified by the supervising licensed physician.  
2 An applicant for a prescription certificate who specializes  
3 in the psychological care of children, elderly persons, or  
4 persons with comorbid psychological conditions shall complete  
5 at least one year prescribing psychotropic medications to such  
6 populations as certified by the supervising licensed physician.

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

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

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

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

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

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

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

25     Sec. 9. NEW SECTION. 154B.12 **Prescribing practices.**

26     1. A prescribing psychologist or a psychologist with  
27 a conditional prescription certificate may administer and  
28 prescribe psychotropic medication within the scope of the  
29 psychologist's profession, including the ordering and review of  
30 laboratory tests in conjunction with the prescription, for the  
31 treatment of mental disorders.

32     2. When prescribing psychotropic medication for a  
33 patient, the prescribing psychologist or the psychologist  
34 with a conditional prescription certificate shall maintain  
35 an ongoing collaborative relationship with the licensed



1 physician who oversees the patient's general medical care to  
2 ensure that necessary medical examinations are conducted,  
3 the psychotropic medication is appropriate for the patient's  
4 medical condition, and significant changes in the patient's  
5 medical or psychological condition are discussed.

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

9 a. Comply with applicable state and federal laws.

10 b. Be identified as issued by the psychologist as  
11 "psychologist certified to prescribe".

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

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

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

25 **Sec. 10. NEW SECTION. 154B.13 Board duties regarding**  
26 **prescription certificates and conditional prescription**  
27 **certificates.**

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

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

1     *b.* Grounds for the denial, suspension, or revocation of  
2 a conditional prescription certificate and a prescription  
3 certificate, including a provision for suspension or revocation  
4 of a license to practice psychology upon suspension of a  
5 conditional prescription certificate and a prescription  
6 certificate.

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

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

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

21     Sec. 11. Section 155A.3, subsection 35, Code 2016, is  
22 amended to read as follows:

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

30     Sec. 12. Section 155A.23, subsection 1, paragraph c, Code  
31 2016, is amended to read as follows:

32     *c.* For the purpose of obtaining a prescription drug or  
33 device, falsely assuming the title of or claiming to be  
34 a manufacturer, wholesaler, pharmacist, pharmacy owner,  
35 physician, dentist, podiatric physician, prescribing

1 psychologist, veterinarian, or other authorized person.

2     Sec. 13. Section 155A.24, subsection 14, Code 2016, is  
3 amended to read as follows:

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