

SENATE FILE NO. SF0053

Psychologist prescriptive authority.

Sponsored by: Senator(s) Scott and Representative(s) Iekel

A BILL

for

1 AN ACT relating to psychologists; providing prescriptive
2 authority pursuant to licensure; expanding authority of the
3 psychology board; conforming provisions; providing
4 definitions; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 33-27-124 through 33-27-128 are
9 created to read:

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11 **33-27-124. Initial application requirements for**
12 **prescriptive authority.**

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14 (a) A psychologist who applies for prescriptive
15 authority shall demonstrate by official transcript or other
16 official evidence satisfactory to the board that the
17 applicant:

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2 (i) Has completed a doctoral program in
3 psychology from a regionally accredited university or
4 professional school or, if the program is not accredited at
5 the time of graduation, that the person has completed a
6 doctoral program in psychology that meets recognized
7 acceptable professional standards as determined by the
8 board;

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10 (ii) Holds a current license to practice
11 psychology in this state;

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13 (iii) Has completed a program of education in an
14 organized program of intensive didactic instruction as
15 defined by the board within the five (5) year period
16 immediately preceding the date of application, consisting
17 of the following core areas of instruction: neuroscience,
18 pharmacology, psychopharmacology, physiology,
19 pathophysiology, appropriate and relevant physical and
20 laboratory assessment and clinical pharmacotherapeutics or
21 within the preceding five (5) year period practiced with
22 prescriptive authority in a jurisdiction allowing such
23 practice. The board may waive the five (5) year
24 requirement for an individual who has had the necessary

1 training and has taken refresher training adequate in the
2 board's judgment to ensure current competency;

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4 (iv) Has obtained supervised and relevant
5 clinical experience sufficient to attain competency in the
6 treatment of a diverse patient population under the
7 direction of qualified practitioners as determined by the
8 board within the five (5) year period immediately preceding
9 the date of application; and

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11 (v) Has passed a certifying examination
12 administered by the board and developed by a nationally
13 recognized body approved by the board or developed by the
14 board.

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16 **33-27-125. Renewal of prescriptive authority.**

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18 (a) The board shall prescribe by rule a method for
19 the renewal of prescriptive authority at the time of, or in
20 conjunction with, the renewal of licenses to practice
21 psychology.

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23 (b) Each applicant for renewal of prescriptive
24 authority shall present satisfactory evidence to the board

1 demonstrating completion of six (6) contact hours of
2 instruction relevant to prescriptive authority in the
3 previous licensure period.

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5 **33-27-126. Prescribing practices.**

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7 (a) Every prescription by a psychologist certified to
8 prescribe shall:

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10 (i) Comply with all applicable state and federal
11 laws; and

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13 (ii) Be identified as issued by the psychologist
14 as "psychologist certified to prescribe" and shall include
15 the prescriber's identification number assigned by the
16 board.

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18 (b) Records of all prescriptions shall be maintained
19 in patient records.

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21 (c) A psychologist shall not delegate the prescribing
22 of drugs to any person not otherwise licensed to prescribe
23 the drugs in question.

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1 **33-27-127. Controlled substance prescriptive**
2 **authority.**

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4 (a) If authorized to prescribe controlled substances,
5 each psychologist certified to prescribe shall file in a
6 timely manner any and all individual drug enforcement
7 agency registrations and numbers with the board.

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9 (b) The board shall maintain current records of every
10 psychologist certified to prescribe, including drug
11 enforcement agency registrations and numbers.

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13 **33-27-128. Interaction with the board of pharmacy.**

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15 (a) The board shall transmit to the board of pharmacy
16 an annual list of psychologists certified to prescribe
17 containing the following information:

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19 (i) The name of the psychologist;

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21 (ii) The psychologist's identification number
22 assigned by the board; and

23

1 (iii) The effective date of prescriptive
2 authority.

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4 (b) The board shall promptly forward to the board of
5 pharmacy the names and titles of psychologists added to, or
6 deleted from, the annual list of psychologists certified to
7 prescribe.

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9 (c) The board shall notify the board of pharmacy in a
10 timely manner upon termination, suspension or reinstatement
11 of a psychologist's prescriptive authority.

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13 **Section 2.** W.S. 6-4-403(b)(iv), 33-24-101(c)(vii),
14 33-24-136(b), 33-24-137(a)(i), 33-26-102(a)(xi)(E),
15 33-27-113(a)(iii)(intro), (x) and by creating new
16 paragraphs (xi) through (xvi), 33-27-117 by creating a new
17 subsection (e), 33-27-119(a)(i) and 33-27-120(b)(intro) are
18 amended to read:

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20 **6-4-403. Abandoning or endangering children;**
21 **penalties; "child"; disclosure or publication of**
22 **identifying information; "minor victim".**

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24 (b) No person shall knowingly:

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33-24-101. Short title; definition.

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(c) As used in this act, "unprofessional conduct" means:

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33-24-136. Filing written memorandum of prescription; labels generally; prescription defined; counseling and patient profiles.

1 (b) "Prescription" means an order for medication by a
2 person licensed and authorized by the state board of
3 medicine, the state board of dental examiners, the state
4 board of nursing, the state board of registration in
5 podiatry, the state board of examiners in optometry, ~~or~~ the
6 state board of veterinary medicine or a psychologist who
7 has prescriptive authority pursuant to W.S.
8 33-27-113(a)(xiv) which is dispensed to or for an ultimate
9 user, but does not include an order for medication which is
10 dispensed for immediate administration to the ultimate
11 user. Each prescription memorandum shall be maintained and
12 open for inspection by agents of the board for a period of
13 two (2) years from the date it is filed.

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15 **33-24-137. Sale of poison.**

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17 (a) It shall be unlawful:

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19 (i) For any person, either on his own behalf or
20 while in the employ of another, to sell or give away any
21 poison, as designated by the board of pharmacy without
22 first recording in a book to be kept for that purpose, with
23 an indelible pencil or ink, the date, the name and address
24 of the person to whom, and the amount and kind of poison

1 delivered, except when such poison is sold on the written
2 prescription of an osteopath, physician, dentist,
3 psychologist or veterinarian;

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5 **33-26-102. Definitions.**

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7 (a) As used in this chapter:

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9 (xi) "Practicing medicine" means any person who
10 in any manner:

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12 (E) Prescribes drugs which can only be
13 obtained by prescription according to law except it does
14 not mean the prescription of drugs by a psychologist who
15 has prescriptive authority pursuant to W.S.
16 33-27-113(a)(xiv).

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18 **33-27-113. Definitions.**

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20 (a) As used in this act:

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22 (iii) "Practice of psychology" means the
23 observation, description, evaluation, interpretation and
24 modification of human behavior by the application of

1 psychological principles, methods and procedures, for the
2 purpose of preventing or eliminating symptomatic,
3 maladaptive or undesired behavior and of enhancing
4 interpersonal relationships, work and life adjustment,
5 personal effectiveness, behavioral health and mental health
6 and may include prescribing drugs and controlled substances
7 if authorized by the board. Psychological services may be
8 rendered to individuals, families, groups and the public.
9 The practice of psychology shall be construed within the
10 meaning of this definition without regard to whether
11 payment is received for services rendered. The practice of
12 psychology includes, but is not limited to:

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14 (x) "This act" means W.S. 33-27-113 through
15 ~~33-27-123.~~33-27-128;

16

17 (xi) "Accredited university or school" means
18 accredited by the American Psychological Association;

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20 (xii) "Controlled substance" means as defined in
21 W.S. 35-7-1014 through 35-7-1022;

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23 (xiii) "Drug" means as defined by W.S.
24 35-7-110 (a) (x) ;

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33-27-117. Requirements for licensure.

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(xiv) "Prescriptive authority" means the authority to prescribe and dispense drugs and other treatment procedures within the scope of practice of psychology in accordance with regulations adopted by the board;

(xv) "Prescription" means an order for a drug, laboratory test or any medicine, device or treatment, including a controlled substance;

(xvi) "Psychologist certified to prescribe" means a licensed, doctoral-level psychologist who has undergone specialized training and has passed an examination accepted by the board and has received a current certificate granting prescriptive authority from the board which has not been revoked or suspended.

(e) The board may seek the advice of other state agencies with relevant experience in devising the certification procedures for psychologists certified to prescribe and shall:

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(i) Certify licensed, doctoral level psychologists to prescribe and dispense drugs in accordance with applicable state and federal laws;

(ii) Develop and implement procedures for reviewing educational and training credentials for that certification process, in accordance with current standards of professional practice.

33-27-119. Practice without license.

(a) No person shall:

(i) Represent himself as a psychologist, a psychologist who has prescribing authority or school psychologist; or

33-27-120. Grounds for denial, suspension or revocation of license and other disciplinary sanctions.

(b) The board may suspend, place on probation, require remediation for a specified time to be determined at the discretion of the board, restrict or revoke any

1 license to practice psychology, ~~or~~ school psychology, or
2 prescriptive authority, deny an application for licensure,
3 or take any other action specified in the rules and
4 regulations whenever the board shall find by a
5 preponderance of the evidence, following a hearing
6 conducted by the board pursuant to this act, that the
7 psychologist, school psychologist or applicant has engaged
8 in conduct prohibited by this act, rules or regulations
9 promulgated by the board, or in any of the following acts
10 or offenses:

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12 **Section 3.** This act is effective July 1, 2003.

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(END)