

INTERIM STUDY PROPOSAL 2023-127

State of Arkansas
94th General Assembly

A Bill

JMB/JMB
HOUSE BILL

By: Representative Gramlich

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AUTHORIZE PRESCRIPTIVE AUTHORITY FOR
CERTAIN PSYCHOLOGISTS; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE PRESCRIPTIVE AUTHORITY FOR
CERTAIN PSYCHOLOGISTS.

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

SECTION 1. Arkansas Code Title 17, Chapter 97, is amended to add an
additional subchapter to read as follows:

Subchapter 6 – Prescriptive Authority

17-97-601. Definitions.

As used in this subchapter:

(1)(A) “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.

(B) "Collaborative practice agreement" may include:

(i) Limitations on the prescribing of psychotropic
medications by psychologists; and

(ii) Protocols for prescribing to special
populations, including patients:

1 (a) Who are less than seventeen (17) years of
2 age or over sixty-five (65) years of age;

3 (b) Who are pregnant;

4 (c) With serious medical conditions, including
5 without limitation heart disease, cancer, stroke, and seizures; or

6 (d) With developmental disabilities and
7 intellectual disabilities;

8 (2) “Collaborative relationship” means a cooperative working
9 relationship between a prescribing psychologist or a psychologist with a
10 conditional prescription certificate and a licensed physician in the
11 provision of patient care, including diagnosis and cooperation in the
12 management and delivery of physical and mental health care;

13 (3) “Conditional prescription certificate” means a document
14 issued by the Arkansas Psychology Board to a licensed psychologist that
15 permits the holder to prescribe psychotropic medication under the supervision
16 of a licensed physician under this subchapter;

17 (4) “Physician” means a person licensed to practice medicine and
18 surgery or osteopathic medicine and surgery in this state who is board-
19 certified in family medicine, internal medicine, pediatrics, psychiatry, or
20 another specialty who prescribes medications for the treatment of a mental
21 disorder to patients in the normal course of the person’s clinical medical
22 practice pursuant to joint rules adopted by the Arkansas Psychology Board and
23 the Arkansas State Medical Board;

24 (5) “Prescribing psychologist” means a licensed psychologist who
25 holds a valid prescription certificate;

26 (6) “Prescription certificate” means a document issued by the
27 Arkansas Psychology Board to a licensed psychologist that permits the holder
28 to prescribe psychotropic medication under this subchapter; and

29 (7)(A) “Psychotropic medication” means a medicine that:

30 (i) Is not dispensed or administered without a
31 prescription; and

32 (ii) Has been explicitly approved by the United
33 States Food and Drug Administration for the treatment of a mental disorder,
34 as defined by the most recent version of the:

35 (a) American Psychiatric Association’s
36 Diagnostic and Statistical Manual of Mental Disorders; or

1 (b) International Classification of Diseases.

2 (B) "Psychotropic medication" does not include narcotics.

3
4 17-97-602. Authority over physicians supervising certain
5 psychologists.

6 In consultation with the Arkansas Psychology Board, the Arkansas State
7 Medical Board shall establish the following by rule:

8 (1)(A) Specific minimum standards for the appropriate
9 supervision of a psychologist prescribing medication under a conditional
10 prescription certificate.

11 (B) The standards under subdivision (1)(A) of this section
12 shall include requiring a physician serving as a supervising licensed
13 physician to notify the Arkansas State Medical Board of the identity of the
14 psychologist the physician is supervising and any change in the status of the
15 supervisory relationship; and

16 (2)(A) The process for initiating and conducting disciplinary
17 proceedings if a licensed physician fails to adequately supervise a
18 psychologist prescribing psychotropic medications under a prescription
19 certificate.

20 (B) The deliberations of the Arkansas State Medical Board
21 in making a determination under subdivision (2)(A) of this section shall be
22 accounted for in the rules adopted under this section.

23
24 17-97-603. Requirements for prescription certificates for
25 psychologists – Joint rules.

26 (a) The Arkansas State Medical Board and the Arkansas Psychology
27 Board, by agreement of both boards through a joint rule-making process, shall
28 adopt joint rules regarding:

29 (1) Education and training requirements for prescription
30 certificates; and

31 (2) Specific minimum standards for the terms, conditions, and
32 framework governing a collaborative practice agreement and for governing the
33 limitations on the prescriptions eligible to be prescribed and populations
34 eligible to be prescribed under this subchapter.

35 (b) The Arkansas State Medical Board shall consult with the clinical
36 and counseling psychology doctoral programs at institutions of higher

1 education in the development of the rules pertaining to education and
2 training requirements.

3
4 17-97-604. Prescribing drugs and medicine – Authorization and
5 restrictions.

6 (a) Except as provided in subsections (b) and (c) of this section, a
7 psychologist shall not administer or prescribe drugs or medicine.

8 (b) A licensed psychologist holding a conditional prescription
9 certificate may prescribe psychotropic medication under the supervision of a
10 licensed physician under this subchapter as provided in § 17-97-605(c).

11 (c) A prescribing psychologist may prescribe psychotropic medication
12 under joint rules adopted by the Arkansas Psychology Board and the Arkansas
13 State Medical Board under this subchapter as provided in § 17-97-606(b).

14
15 17-97-605. Conditional prescription certificate.

16 (a) The Arkansas Psychology Board shall grant a conditional
17 prescription certificate to an applicant if the applicant:

18 (1) Holds a current license to practice psychology in this
19 state;

20 (2) Has completed pharmacological training from an institution
21 approved by the Arkansas Psychology Board and the Arkansas State Medical
22 Board or from a provider of continuing education approved by the Arkansas
23 Psychology Board and the Arkansas State Medical Board under joint rules
24 adopted by both boards;

25 (3) Has passed a national certification examination approved by
26 the Arkansas Psychology Board and the Arkansas State Medical Board that
27 tested the applicant’s knowledge of pharmacology in the diagnosis, care, and
28 treatment of mental disorders;

29 (4)(A) Within five (5) years immediately preceding the date of
30 application, has successfully completed a post-doctoral master of science
31 degree in clinical psychopharmacology approved by the Arkansas Psychology
32 Board and the Arkansas State Medical Board under joint rules adopted by both
33 boards.

34 (B) The degree under subdivision (a)(4)(A) of this section
35 shall at a minimum include coursework in neuroscience, pharmacology,
36 psychopharmacology, physiology, and appropriate and relevant physical and

1 laboratory assessments;

2 (5)(A) Within five (5) years immediately preceding the date of
3 application, has been certified by the applicant's supervising physician as
4 having successfully completed a supervised and relevant clinical experience
5 in clinical assessment and pathophysiology and an additional supervised
6 practicum treating patients with mental disorders.

7 (B) The practica under subdivision (a)(5)(A) of this
8 section shall have been supervised by a trained physician.

9 (C) The Arkansas Psychology Board and the Arkansas State
10 Medical Board under joint rules adopted by the boards shall determine
11 sufficient practica to competently train the applicant in the treatment of a
12 diverse patient population;

13 (6) Possesses malpractice insurance that will cover the
14 applicant during the period the conditional prescription certificate is in
15 effect; and

16 (7) Meets all other requirements, as determined by joint rules
17 adopted by the Arkansas Psychology Board and the Arkansas State Medical
18 Board, for obtaining a conditional prescription certificate.

19 (b) A conditional prescription certificate is valid for four (4)
20 years, at the end of which the holder may apply for renewal of the
21 conditional prescription certificate.

22 (c) A psychologist with a conditional prescription certificate may
23 prescribe psychotropic medication under the supervision of a licensed
24 physician subject to all of the following conditions:

25 (1) The psychologist shall continue to hold a current license to
26 practice psychology in this state and continue to maintain malpractice
27 insurance;

28 (2) The psychologist shall inform the Arkansas Psychology Board
29 of the name of the physician under whose supervision the psychologist will
30 prescribe psychotropic medication and promptly inform the Arkansas Psychology
31 Board of any change of the supervising physician;

32 (3)(A) A physician supervising a psychologist prescribing
33 psychotropic medication pursuant to a conditional prescription certificate
34 shall be subject to disciplinary action for the acts and omissions of the
35 psychologist while under the physician's supervision.

36 (B) Subdivision (c)(3)(A) of this section does not relieve

1 the psychologist from liability for the psychologist's acts and omissions;
2 and

3 (4) Any additional requirements imposed by other rules adopted
4 jointly by the Arkansas Psychology Board and the Arkansas State Medical
5 Board.

6
7 17-97-606. Prescription certificate.

8 (a) The Arkansas Psychology Board shall grant a prescription
9 certificate to an applicant if the applicant:

10 (1)(A) Possesses a conditional prescription certificate and has
11 successfully completed two (2) years of prescribing psychotropic medication
12 as certified by the supervising licensed physician.

13 (B) An applicant for a prescription certificate who
14 specializes in the psychological care of children, elderly persons, or
15 persons with comorbid psychological conditions shall complete at least one
16 (1) year prescribing psychotropic medications to such populations as
17 certified by the supervising licensed physician;

18 (2) Holds a current license to practice psychology in this
19 state;

20 (3) Possesses malpractice insurance that will cover the
21 applicant as a prescribing psychologist; and

22 (4) Meets all other requirements for obtaining a prescription
23 certificate as determined by rules adopted by the Arkansas Psychology Board
24 and joint rules adopted by the Arkansas Psychology Board and the Arkansas
25 State Medical Board.

26 (b) A psychologist with a prescription certificate may prescribe
27 psychotropic medication under this subchapter if the psychologist:

28 (1) Continues to hold a current license to practice psychology
29 in this state and maintains malpractice insurance;

30 (2) Annually satisfies the continuing education requirements for
31 prescribing psychologists, as determined by the Arkansas Psychology Board,
32 which shall be no fewer than twenty (20) hours each year;

33 (3) Has entered into a collaborative practice agreement with a
34 licensed physician; and

35 (4) Complies with any other rules adopted jointly by the
36 Arkansas Psychology Board and the Arkansas State Medical Board.

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17-97-607. Prescribing practices.

(a)(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.

(2) The prescribing practices under subdivision (a)(1) of this section shall be governed by joint rules adopted by the Arkansas Psychology Board and the Arkansas State Medical Board.

(b) 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.

(c) A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall:

- (1) Be in compliance with applicable state and federal laws;
- (2) Be identified as issued by the psychologist as “psychologist certified to prescribe”; and
- (3) Include the psychologist’s assigned identification number.

(d)(1) A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person.

(2) Records of all prescriptions shall be maintained in patient records.

(e)(1) When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the Arkansas Psychology Board in a timely manner all individual United States Drug Enforcement and Administration registration and numbers.

(2) The Arkansas Psychology Board shall maintain current records on every psychologist licensed in this state, including United States Drug

1 Enforcement and Administration registration and numbers.

2
3 17-97-608. Board duties regarding prescription certificates and
4 conditional prescription certificates.

5 (a)(1) In consultation with the Arkansas State Medical Board, the
6 Arkansas Psychology Board shall adopt rules to implement this subchapter
7 relating to prescribing psychologists.

8 (2) The rules adopted under subdivision (a)(1) of this section
9 shall include without limitation:

10 (A)(i) Procedures to obtain a conditional prescription
11 certificate, a prescription certificate, and a renewal of a conditional
12 prescription certificate and a prescription certificate.

13 (ii) The Arkansas Psychology Board may set
14 reasonable application and renewal fees for a conditional prescription
15 certificate and a prescription certificate;

16 (B) Grounds for the denial, suspension, or revocation of a
17 conditional prescription certificate and a prescription certificate,
18 including a provision for suspension or revocation of a license to practice
19 psychology upon suspension of a conditional prescription certificate and a
20 prescription certificate;

21 (C)(i) The provision of an annual list of psychologists
22 with prescription certificates and psychologists with conditional
23 prescription certificates that contains the information agreed to between the
24 Arkansas Psychology Board and the Arkansas State Medical Board.

25 (ii) The Arkansas Psychology Board shall promptly
26 notify the Arkansas State Medical Board concerning psychologists who are
27 added to or removed from the list; and

28 (D) Any other requirements necessary for the
29 administration of this subchapter.

30 (b)(1) The Arkansas Psychology Board shall appoint a prescribing
31 psychologist rules subcommittee to develop rules for consideration by the
32 Arkansas Psychology Board under subsection (a) of this section.

33 (2) The subcommittee under subdivision (b)(1) of this section
34 shall consist of:

35 (A) One (1) psychologist appointed by the Arkansas
36 Psychology Board;

1 (B) One (1) physician appointed by the Arkansas State
2 Medical Board; and

3 (C) One (1) member of the public appointed by the
4 Secretary of the Department of Health.

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Referred by Representative Gramlich

Prepared by: JMB/JMB