

**Introduced by Senators Polanco and Rainey**

February 25, 1997

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An act to amend Sections 2902, 2904, and 4040 of, and to add Sections 2949, 2949.1, 2949.2, 2949.3, and 2949.4 to, the Business and Professions Code, relating to psychology, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as introduced, Polanco. Psychology.

Existing law provides for the licensure and regulation of the practice of psychologists, by the Board of Psychology, and the practice of pharmacy. Existing law prohibits the practice of psychology from including prescribing drugs, and the pharmacy law prohibits any person other than a physician, dentist, podiatrist, or veterinarian from prescribing or writing a prescription.

This bill would revise these provisions to authorize a certified psychologist to prescribe or write a prescription. The bill would also require the board to administer a certification process to grant licensed psychologists the authority to write prescriptions, and to develop procedures for certification with the advice of the Certified Psychologist Advisory Committee, that the bill would also establish. The bill would authorize the board to charge fees for the issuance of, and renewal of, a certificate, and would provide for the deposit of these fees in the Psychology Fund, a continuously appropriated fund, thereby making an appropriation.

The bill would set forth certification eligibility criteria, and would also require the board, in consultation with the

committee, to establish requirements for renewal of a certificate, and continuing education requirements. The bill would require the board to provide certain information to the Board of Pharmacy, including an annual list of psychologists certified to prescribe drugs.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) Major mental disorders affect over two and  
4 one-half million adults in California according to the Joint  
5 Committee on Mental Health Research in its January 1,  
6 1991, report to the Legislature. The prevalence of  
7 schizophrenia, major depression, and bipolar disorder  
8 alone totals 950,000 persons and over one million children  
9 suffer from serious emotional disturbances.

10 (b) According to the American Board of Medical  
11 Specialties, 1996 Directory of Board Certified Medical  
12 Specialists, there are 14 counties with no psychiatrists and  
13 an additional 10 counties with only one or two  
14 psychiatrists in residence.

15 (c) Currently, there are at least 23 counties that may  
16 be eligible for designation as California Health  
17 Professional Shortage Areas for mental health treatment  
18 based on the national definition of areas that have fewer  
19 than one psychiatrist for every 30,000 residents, which  
20 represents nearly one-half of the counties in the state.

21 (d) More than 75 percent of all psychotropic drug  
22 prescriptions are written by general practitioners with  
23 limited training in mental health.

24 (e) State budget constraints over the last decade have  
25 limited the funds available to subsidize public mental  
26 health programs, thereby resulting in less services  
27 available for mentally disordered and ill persons.

28 (f) Californians living in rural areas face unique and  
29 challenging mental health and family problems, and they  
30 are often underserved by health care practitioners.



1 Psychologists practicing with primary care groups have  
2 been effective in addressing the mental health problems  
3 of rural Californians.

4 (g) A recent survey of county mental health directors  
5 revealed that 64 percent of the respondents reported that  
6 cost and availability of pharmacological treatment would  
7 be improved if trained nonphysicians were allowed to  
8 prescribe.

9 (h) Between 50 and 70 percent of the mental health  
10 needs of the elderly are unmet. As much as 85 percent of  
11 the mental health services provided to the elderly are  
12 given by physicians with an average of only three months  
13 of training in mental health.

14 (i) In 1990, the Public Citizen Health Research Group  
15 published a report entitled "Care of the Seriously  
16 Mentally Ill, A Rating of State Programs." California  
17 ranked 31st among the states, with 14 states receiving a  
18 lower rating. The Public Citizen Health Research Group  
19 recommended that psychologists, physician assistants,  
20 and nurse practitioners be allowed to obtain additional  
21 training and to prescribe medications to help meet the  
22 needs of mentally ill persons.

23 (j) The Office of Statewide Health Planning and  
24 Development's "Final Report to the Legislature, State of  
25 California and to the Healing Arts Licensing Boards:  
26 Prescribing and Dispensing Pilot Projects" in November,  
27 1982 found that 399 trainees, 44 percent of whom had not  
28 graduated from college, were able to successfully  
29 evaluate the medication needs of 664,000 Californians.  
30 These trainees consisted of registered nurses,  
31 pharmacists, physician assistants, and nurse practitioners.  
32 The project demonstrated this approach was less costly  
33 than traditional medical management, even after  
34 allowing for physicians' and surgeons' and pharmacists'  
35 consultation costs. The report recommended changing  
36 the practice acts to allow prescription privileges for the  
37 trainees.

38 (k) The Legislature, in order to increase the  
39 availability of services to patients, has placed into law the  
40 authority for nurse practitioners to prescribe medications



1 in a limited capacity. The Legislature has also extended  
2 authority for physician assistants to administer  
3 medications, and transmit prescriptions for medications,  
4 to patients upon the order of a physician and surgeon or  
5 within a specified protocol.

6 (l) By adding this authority to provide medication, the  
7 Legislature can reduce costs of health care, with no  
8 reduction in quality or service.

9 (m) Since 1978, when Section 1316.5 of the Health and  
10 Safety Code was added to California law, psychologists  
11 have become increasingly important in overseeing care  
12 for mentally ill and disordered patients in health care  
13 facilities.

14 (n) As a prerequisite to licensure, clinical  
15 psychologists are required to obtain more specific  
16 education and training in the identification of mental  
17 disorders and illnesses than any other mental health care  
18 professional.

19 (o) In order to meet the growing need for trained  
20 prescribers, the University of California, at Berkeley and  
21 San Francisco in the 1980's graduated approximately 70  
22 psychologists through a doctoral level program in the  
23 areas of psychopharmacology, biology, and neurology  
24 and provided an internship program for a Doctorate in  
25 Mental Health incorporating mental health treatment,  
26 diagnosis, and medication prescribing.

27 (p) The State of California, in Chapter 1539 of the  
28 Statutes of 1990, effective January 1, 1991, determined  
29 that psychologists should be knowledgeable about  
30 psychopharmacological effects of populations at risk, and  
31 required the licensing boards for physicians and surgeons,  
32 psychologists, and pharmacists to encourage licensees to  
33 seek additional education in the area of geriatric  
34 pharmacology.

35 (q) Psychologists are trained to assess behavioral and  
36 cognitive changes in a scientific manner. This knowledge,  
37 combined with the ability to discontinue inappropriate  
38 medication, ensures psychologists will be better trained  
39 to contribute to the welfare of all mentally disordered and



1 ill persons, including the elderly and the groups who have  
2 limited access to care.

3 (r) In order to meet the increasing demands for  
4 services to mentally disordered and ill persons in  
5 California, it is the intent of the Legislature to support a  
6 program whereby psychologists who choose to receive  
7 the appropriate education and training may prescribe  
8 medications for their patients who require that  
9 treatment.

10 SEC. 2. Section 2902 of the Business and Professions  
11 Code is amended to read:

12 2902. As used in this chapter, unless the context  
13 clearly requires otherwise and except as in this chapter  
14 expressly otherwise provided:

15 (a) "Licensed psychologist" means an individual to  
16 whom a license has been issued pursuant to the provisions  
17 of this chapter, which license is in force and has not been  
18 suspended or revoked.

19 (b) "Division" means the Division of Allied Health  
20 Professions of the Medical Board of California. "Board"  
21 means the Board of Psychology.

22 (c) A person represents himself or herself to be a  
23 psychologist when the person holds himself or herself out  
24 to the public by any title or description of services  
25 incorporating the words "psychology," "psychological,"  
26 "psychologist," "psychology consultation," "psychology  
27 consultant," "psychometry," "psychometrics" or  
28 "psychometrist," "psychotherapy," "psychotherapist,"  
29 "psychoanalysis," or "psychoanalyst," or when the person  
30 holds himself or herself out to be trained, experienced, or  
31 an expert in the field of psychology.

32 (d) "Accredited," as used with reference to academic  
33 institutions, means the University of California, the  
34 California State University, an institution accredited  
35 under subdivision (a) of Section 94310.1 of the Education  
36 Code, or an institution located in another state that is  
37 accredited by a national or an applicable regional  
38 accrediting agency recognized by the United States  
39 Department of Education.



1 (e) “Approved,” as used with reference to academic  
2 institutions, means approved under subdivision (d) of  
3 Section 94310 of the Education Code.

4 (f) *“Prescriptive authority” means the authority to*  
5 *prescribe and dispense drugs or devices within the scope*  
6 *of practice of psychology in accordance with*  
7 *requirements set forth in Section 2949.*

8 (g) *“Certified psychologist” means a clinical*  
9 *psychologist, as defined in Section 1316.5 of the Health*  
10 *and Safety Code, who has received from the board,*  
11 *pursuant to Section 2949, a valid certificate granting*  
12 *prescriptive authority, and the certificate has not been*  
13 *revoked or suspended.*

14 (h) *“Drug” as defined pursuant to Sections 4022 and*  
15 *4025.*

16 (i) *“Device” as defined pursuant to Section 4023.*

17 (j) *“Prescription” as defined pursuant to Sections 4040*  
18 *and 4070.*

19 (k) *“Certified Psychologist Advisory Committee”*  
20 *means a committee composed of a multidisciplinary*  
21 *group of licensed professionals appointed in accordance*  
22 *with subdivision (a) of Section 2949 that shall advise the*  
23 *Board of Psychology on the certification and curriculum*  
24 *development for the Certified Psychologist Program.*

25 SEC. 3. Section 2904 of the Business and Professions  
26 Code is amended to read:

27 2904. The practice of psychology shall not include  
28 ~~prescribing drugs, performing surgery or administering~~  
29 ~~electroconvulsive therapy~~ *any of the following:*

30 (a) *Prescribing drugs or devices, except for those*  
31 *prescribed by certified psychologists, as defined in*  
32 *Section 2902.*

33 (b) *Performing surgery.*

34 (c) *Administering electroconvulsive therapy.*

35 SEC. 4. Section 2949 is added to the Business and  
36 Professions Code, to read:

37 2949. The board shall establish and administer a  
38 certification process to grant licensed psychologists  
39 prescriptive authority. The board shall develop  
40 procedures for certification including an examination,



1 with the advice of the Certified Psychologist Advisory  
2 Committee, which is hereby established. The board shall  
3 charge applicants reasonable fees for the issuance of, and  
4 renewal of, a certificate to cover the costs of  
5 administering the certification process. These fees shall  
6 be deposited in the Psychology Fund.

7 (a) The Certified Psychologist Advisory Committee  
8 shall consist of all of the following:

9 (1) One pharmacist, knowledgeable in psychotropic  
10 treatment regimens, appointed by the Board of  
11 Pharmacy.

12 (2) One registered nurse, knowledgeable in mental  
13 health treatment programs, appointed by the Board of  
14 Nursing.

15 (3) One physician appointed by the California  
16 Academy of Family Physicians.

17 (4) One primary care physician appointed by the  
18 California Medical Board.

19 (5) One psychologist currently in clinical practice  
20 with experience in hospital systems appointed by the  
21 California Psychological Association.

22 (6) One psychologist with knowledge in treatment  
23 programs for the severely mentally ill, employed in state  
24 service, appointed by the Speaker of the Assembly with  
25 the recommendation by the American Federation of  
26 State, County, and Municipal Employees.

27 (7) One psychologist educator with expertise in  
28 curriculum development, currently employed by the  
29 University of California system, appointed by the  
30 Governor.

31 (8) One psychologist educator with knowledge in  
32 training and supervision programs from the California  
33 School of Professional Psychology appointed by the  
34 President pro Tempore of the Senate.

35 (b) The Certified Psychologist Advisory Committee  
36 shall serve without compensation and shall advise the  
37 Board of Psychology on details of certification and  
38 specifics of training requirements for certified  
39 psychologists in the state. Notwithstanding this  
40 subdivision, the committee shall establish specific



1 training requirements by January 1, 1999. Failure to adopt  
2 those guidelines shall result in the board adopting the  
3 training Model for Prescriptive Authority for  
4 Psychologists as set forth by the American Psychological  
5 Association.

6 (c) To be eligible for certification by the board,  
7 applicants shall meet the requirements of subdivision (d)  
8 or demonstrate by official transcript, or other official  
9 evidence satisfactory to the board, successful completion  
10 of all of the following requirements:

11 (1) An earned doctoral degree in psychology from an  
12 educational institution meeting the criteria of subdivision  
13 (b) of Section 2914.

14 (2) A valid license to practice psychology in California.

15 (3) Completion of a program of education in an  
16 organized program of intensive didactic course work  
17 with a minimum of 300 contact hours in core areas of  
18 instruction including all of the following:

19 (A) Neurosciences including, neuroanatomy,  
20 neurophysiology, and neurobiochemistry.

21 (B) Pharmacology, including clinical pharmacology.

22 (C) Psychopharmacology, including developmental  
23 psychopharmacology.

24 (D) Chemical dependency and chronic pain  
25 management.

26 (E) Pathophysiology, including anatomy, organ  
27 systems, drug reactions, drug interactions, well versus not  
28 well organism, and sociocultural aspects of physiology.

29 (F) Introduction to physical assessment and  
30 laboratory.

31 (G) Pharmacotherapeutics, including professional,  
32 ethical, and legal issues, psychotherapy and  
33 pharmacology interactions, interactive computer  
34 technology, and pharmacoepidemiology.

35 (4) Supervised and relevant clinical experience for  
36 management of medication sufficient to attain  
37 competency in the treatment of a diverse client  
38 population with a balance as to diagnostic mix, gender,  
39 ethnicity, and age under the direction of qualified  
40 licensed health care practitioners, as determined by the



1 Board of Psychology within a five-year period  
2 immediately preceding the date of application. Clinical  
3 experience shall include periodic morbidity conferences  
4 and evaluation of critical thinking.

5 (d) As an alternative to meeting the eligibility criteria  
6 in subdivision (c), an applicant shall be eligible for  
7 certification by the board if he or she is a graduate of the  
8 U.S. Department of Defense Psychopharmacology  
9 Demonstration program, and is licensed pursuant to  
10 paragraph (2) of subdivision (c).

11 SEC. 5. Section 2949.1 is added to the Business and  
12 Professions Code, to read:

13 2949.1. Notwithstanding any other provision of law, a  
14 person who successfully completed the University of  
15 California, Doctor of Mental Health Program (DMH),  
16 and meets the following requirements shall be issued a  
17 certificate by the Board of Psychology qualifying them as  
18 a “certified psychologist”:

19 (a) Evidence of successful completion of the Doctor of  
20 Mental Health program.

21 (b) Evidence that the practitioner has been a licensed  
22 and practicing clinical psychologist since completing the  
23 DMH program.

24 (c) Evidence of appropriate knowledge of current  
25 developments in pharmacology and medication  
26 management.

27 (d) Evidence of completion within the previous five  
28 years of supervised clinical experience for management  
29 of medication to a diverse client population under the  
30 direction of qualified licensed health care practitioners.

31 (e) Other reasonable requirements as established by  
32 the Board of Psychology.

33 SEC. 6. Section 2949.2 is added to the Business and  
34 Professions Code, to read:

35 2949.2. (a) The board, in consultation with the  
36 Certified Psychologist Advisory Committee, shall set  
37 forth the requirements for renewal of a certificate and  
38 prescriptive authority to a psychologist for each license  
39 renewal period.



1 (b) Each applicant for renewal of a certificate for  
2 prescriptive authority shall present evidence of having  
3 completed approved mandatory continuing education in  
4 the area of psychopharmacology and related prescribing  
5 practice as set forth by the board.

6 SEC. 7. Section 2949.3 is added to the Business and  
7 Professions Code, to read:

8 2949.3. (a) Each “certified psychologist” shall  
9 comply with all state and federal rules and regulations  
10 relating to the prescribing, dispensing, and  
11 recordkeeping for drugs as defined in Sections 4022, 4023,  
12 4025, and 4055, and other applicable sections of the code.

13 (b) A written order of a “certified psychologist” shall  
14 include the psychologist’s identification number assigned  
15 by the board indicating certification to prescribe.

16 (c) A certified psychologist shall not delegate the  
17 prescribing of medication to any other person.

18 (d) Records of all prescriptions shall be maintained in  
19 client records.

20 SEC. 8. Section 2949.4 is added to the Business and  
21 Professions Code, to read:

22 2949.4. (a) The board shall transmit to the Board of  
23 Pharmacy a list annually of psychologists certified to  
24 prescribe containing, at a minimum, all of the following  
25 information:

- 26 (1) The name of the psychologist.
- 27 (2) The unique identification number indicating
- 28 certification to prescribe.
- 29 (3) The effective date of prescriptive authority.

30 (b) The board shall promptly forward to the Board of  
31 Pharmacy the names and identification numbers of  
32 psychologists added to or deleted from the annual list of  
33 psychologists certified to prescribe.

34 (c) The board shall notify the Board of Pharmacy in a  
35 timely manner upon termination, suspension, or  
36 reinstatement of a psychologist’s authority to prescribe.

37 SEC. 9. Section 4040 of the Business and Professions  
38 Code is amended to read:

39 4040. (a) “Prescription” means an oral order or an  
40 electronic transmission prescription given individually



1 for the person or persons for whom prescribed, directly  
2 from the prescriber to the furnisher, or indirectly by  
3 means of a written order, signed by the prescriber, and  
4 shall bear the name or names and address of the patient  
5 or patients, the name and quantity of the drug or device  
6 prescribed, directions for use, and the date of issue, and  
7 either rubber stamped, typed, or printed by hand or  
8 typeset the name, address, and telephone number of the  
9 prescriber, his or her license classification, and his or her  
10 federal registry number, if a controlled substance is  
11 prescribed, and a legible, clear notice of the condition for  
12 which the drug is being prescribed, if requested by the  
13 patient or patients. No person other than a physician,  
14 dentist, optometrist, podiatrist, *certified psychologist*, or  
15 veterinarian, shall prescribe or write a prescription.

16 (b) Notwithstanding subdivision (a), a written order  
17 of the prescriber for a dangerous drug, except for any  
18 Schedule II controlled substance, that contains at least the  
19 name and signature of the prescriber, the name or names  
20 and address of the patient or patients in a manner  
21 consistent with paragraph (3) of subdivision (b) of  
22 Section 11164 of the Health and Safety Code, the name  
23 and quantity of the drug prescribed, directions for use,  
24 and the date of issue may be treated as a prescription by  
25 the dispensing pharmacist so long as any additional  
26 information required by subdivision (a) is readily  
27 retrievable in the pharmacy. In the event of a conflict  
28 between this subdivision and Section 11164 of the Health  
29 and Safety Code, Section 11164 shall prevail.

30 (c) “Electronic transmission prescription” includes  
31 both image and data prescriptions. “Electronic image  
32 transmission prescription” is any prescription order for  
33 which a facsimile of the order is received by a pharmacy  
34 from a licensed prescriber. “Electronic data transmission  
35 prescription” is any prescription order, other than an  
36 electronic image transmission prescription, that is  
37 electronically transmitted from a licensed prescriber to a  
38 pharmacy.

39 (d) The use of commonly used abbreviations shall not  
40 invalidate an otherwise valid prescription.



1 (e) Nothing in the amendments made to this section  
2 (formerly Section 4036) at the 1969 Regular Session of the  
3 Legislature shall be construed as expanding or limiting  
4 the right that a chiropractor, while acting within the  
5 scope of his or her license, may have to prescribe a device.

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7 CORRECTIONS

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9 **Heading — Line 1.**

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