

AMENDED IN SENATE APRIL 8, 1997

SENATE BILL

No. 694

Introduced by Senators Polanco and Rainey

February 25, 1997

~~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 Code, and to amend Sections 2902, 2904, 2943, 2960, and 4040 of, and to add Sections 2914.2, 2914.3, 2949, 2949.1, 2949.2, 2949.3, 2949.4, and 2949.5 to, the Business and Professions Code, relating to psychology, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 694, as amended, Polanco. Psychology.

~~Existing~~

~~(1) 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, *as defined*, 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 *each applicant for an initial certificate for prescriptive authority to agree in a written statement under penalty of perjury to spend no less than 80% of his or her total time as a certified psychologist for 3 calendar years providing services to underserved populations, as defined. By creating a new crime, the bill would impose a state-mandated local program. The bill would 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.*

The bill would require the board to encourage licensed psychologists to take continuing education courses in psychopharmacology and the biological basis of behavior. The bill would require the board to encourage institutions offering doctorate degree programs in psychology to include education and training in psychopharmacology and related topics. The bill would require the board to develop education and training guidelines for psychologists whose practice includes patients who may require psychopharmacological treatment. The bill would authorize the board to issue a certificate of completion to recognize knowledge of pharmacology and biological basis of behavior. The bill would authorize the board to examine candidates in various areas of professional activity.

(2) Existing law authorizes the board to refuse to issue any registration or license, or issue a registration or license with terms and conditions, or suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct, as described.

This bill would include as unprofessional conduct a violation of a provision of law relating to prescribing or dispensing drugs by a certified psychologist.



(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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



1 are often underserved by health care practitioners.
2 Psychologists practicing with primary care groups have
3 been effective in addressing the mental health problems
4 of rural Californians.

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

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

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

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

39 (k) The Legislature, in order to increase the
40 availability of services to patients, has placed into law the



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

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

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

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

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

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

36 (q) Psychologists are trained to assess behavioral and
37 cognitive changes in a scientific manner. This knowledge,
38 combined with the ability to discontinue inappropriate
39 medication, ensures psychologists will be better trained
40 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 (l) “Underserved population” means any of the
26 following:

27 (1) *Persons residing in geographic areas eligible for*
28 *recognition as a California Health Professional Shortage*
29 *Area as defined by Section 332 of the federal Public*
30 *Health Care Service Act (42 U.S.C. Sec. 254e).*

31 (2) *Persons whose health or mental health services are*
32 *provided by the public sector or through public funds.*

33 (3) *Special underserved populations whose access to*
34 *care is limited, including, but no limited to, the seriously*
35 *and persistently mentally ill, persons who are homeless,*
36 *incarcerated, or physically disabled, older adults, or those*
37 *with special needs due to cultural or language needs.*

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



1 2904. The practice of psychology shall not include any
2 of the following:

3 (a) Prescribing drugs or devices, except for those
4 prescribed by certified psychologists, as defined in
5 Section 2902.

6 (b) Performing surgery.

7 (c) Administering electroconvulsive therapy.

8 SEC. 4. *Section 2914.2 is added to the Business and*
9 *Professions Code, to read:*

10 *2914.2. The board shall encourage licensed*
11 *psychologist to take continuing education courses in*
12 *psychopharmacology and biological basis of behavior as*
13 *part of their continuing education.*

14 SEC. 5. *Section 2914.3 is added to the Business and*
15 *Professions Code, to read:*

16 *2914.3. (a) The board shall encourage institutions*
17 *that offer a doctorate degree program in psychology to*
18 *include in their biobehavioral curriculum, education, and*
19 *training in psychopharmacology and related topics*
20 *including pharmacology and clinical pharmacology.*

21 *(b) The board shall develop guidelines for the basic*
22 *education and training of psychologist whose practice*
23 *includes patients with medical conditions and patients*
24 *with mental and emotional disorders, who may require*
25 *psychopharmacological treatment and whose*
26 *management may require collaboration with physicians*
27 *and other licensed prescribers. In developing these*
28 *guidelines for training, the board shall consider, but no be*
29 *limited to, all of the following:*

30 *(1) The American Psychological Association's*
31 *guidelines for training in the biological bases of mental*
32 *and emotional disorders.*

33 *(2) The necessary educational foundation for*
34 *understanding the biochemical and physiological bases*
35 *for mental disorders.*

36 *(3) Evaluation of the response to psychotropic*
37 *compounds, including the effects and side effects.*

38 *(4) Competent basic practical and theoretical*
39 *knowledge of neuroanatomy, neurochemistry, and*



1 *neurophysiology relevant to research and clinical*
2 *practice.*

3 *(5) Knowledge of the biological bases of*
4 *psychopharmacology.*

5 *(6) Locus of action of psychoactive substances and*
6 *mechanisms by which these substances affect brain*
7 *function and other systems of the body.*

8 *(7) Knowledge of the psychopharmacology of classes*
9 *of drugs commonly used to treat mental disorders.*

10 *(8) Drugs that are commonly abused that may or may*
11 *not have therapeutic uses.*

12 *(9) Evaluation of the need for medication.*

13 *(10) Education of patients and significant support*
14 *persons in the risks, benefits, and treatment alternatives*
15 *to medication.*

16 *(11) Evaluation of a patient's mental competency to*
17 *consent to medication.*

18 *(12) Appropriate collaboration with physicians or*
19 *other prescribers to enhance both the physical and the*
20 *mental status of the persons being treated.*

21 *(13) Knowledge of signs that warrant consideration*
22 *for referral to a physician.*

23 *(c) Upon completion of academic training, in*
24 *compliance with the guidelines developed under this*
25 *section, the board or its designee may issue a certificate*
26 *of completion that will recognize knowledge of*
27 *psychopharmacology and biological basis of behavior as*
28 *it may be integrated into an overall plan of treatment*
29 *provided to patients. This certificate of completion shall*
30 *not be construed to confer the privilege of prescribe*
31 *medication upon the holder of the certificate.*

32 *SEC. 6. Section 2943 of the Business and Professions*
33 *Code is amended to read:*

34 *2943. (a) The board may examine for knowledge in*
35 *whatever theoretical or applied fields in psychology as it*
36 *deems appropriate. It may examine the candidate with*
37 *regard to his or her professional skills and his or her*
38 *judgment in the utilization of psychological techniques*
39 *and methods.*



1 (b) *The board may examine candidates in various*
2 *areas of professional activity at its discretion. Areas of*
3 *professional activity may include, but are not limited to,*
4 *ethics and law, psychological testing, crisis intervention,*
5 *psychotherapeutic techniques, cultural diversity, clinical*
6 *evaluation, organizational development and*
7 *consultations, psychopathology, assessment, suicide*
8 *prevention, substance abuse and treatment, geriatric*
9 *assessment and treatment, psychopharmacology, and*
10 *knowledge of appropriate collaboration with physicians*
11 *and other professionals.*

12 SEC. 7. Section 2949 is added to the Business and
13 Professions Code, to read:

14 2949. The board shall establish and administer a
15 certification process to grant licensed psychologists
16 prescriptive authority. The board shall develop
17 procedures for certification including an examination,
18 with the advice of the Certified Psychologist Advisory
19 Committee, which is hereby established. *In addition to*
20 *assessing the applicant's ability to prescribe safely and*
21 *appropriately, the examination shall also include, but not*
22 *be limited to, evidence that the applicant is able to*
23 *conduct and evaluate the relevant examinations and*
24 *testing that reveal the appropriateness of consultation,*
25 *collaboration, and referral to a physician and surgeon or*
26 *other health professional who may provide services*
27 *outside of the scope of practice or expertise of the*
28 *applicant.* The board shall charge applicants reasonable
29 fees for the issuance of, and renewal of, a certificate to
30 cover the costs of administering the certification process.
31 These fees shall be deposited in the Psychology Fund.

32 (a) The Certified Psychologist Advisory Committee
33 shall consist of all of the following:

34 (1) One ~~pharmacist~~ *psychopharmacist,*
35 knowledgeable in psychotropic treatment regimens,
36 appointed by the Board of Pharmacy.

37 (2) One registered nurse, knowledgeable in mental
38 health treatment programs, appointed by the Board of
39 Nursing.



1 (3) One physician appointed by the California
2 Academy of Family Physicians.

3 (4) One ~~primary care physician~~ *physician specializing*
4 *in psychiatry* appointed by the California Medical Board.

5 (5) *One physician specializing in psychiatry*
6 *experienced in teaching psychopharmacology to*
7 *psychologists appointed by the Board of Psychology in*
8 *consultation with the California Medical Board.*

9 (6) *One psychologist experienced in teaching*
10 *psychopharmacology to psychologists appointed by the*
11 *Board of Psychology.*

12 (7) *One liaison jointly appointed by the California*
13 *Alliance for the Mentally Ill and the California*
14 *Psychological Association.*

15 (8) *One liaison jointly appointed by Protection and*
16 *Advocacy, Incorporated and the California Psychological*
17 *Association.*

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

21 ~~(6)~~

22 (10) 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)~~

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

32 ~~(8)~~

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

37 (b) The Certified Psychologist Advisory Committee
38 shall serve without compensation and shall advise the
39 Board of Psychology on details of certification and
40 specifics of training requirements for certified



1 psychologists in the state. Notwithstanding this
2 subdivision, the committee shall establish specific
3 training requirements by January 1, 1999. Failure to adopt
4 those guidelines shall result in the board adopting the
5 training Model for Prescriptive Authority for
6 Psychologists as set forth by the American Psychological
7 Association.

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

14 (1) An earned doctoral degree in psychology from an
15 educational institution meeting the criteria of subdivision
16 (b) of Section 2914.

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

18 (3) Completion of a program of education in an
19 organized program of intensive didactic coursework with
20 a minimum of 300 contact hours in core areas of
21 instruction including all of the following:

22 (A) Neurosciences including, neuroanatomy,
23 neurophysiology, and neurobiochemistry.

24 (B) Pharmacology, including clinical pharmacology.

25 (C) Psychopharmacology, including developmental
26 psychopharmacology.

27 (D) Chemical dependency and chronic pain
28 management.

29 (E) Pathophysiology, including anatomy, organ
30 systems, drug reactions, drug interactions, well versus not
31 well organism, and sociocultural aspects of physiology.

32 (F) Introduction to physical assessment and
33 laboratory.

34 (G) Pharmacotherapeutics, including professional,
35 ethical, and legal issues, psychotherapy and
36 pharmacology interactions, interactive computer
37 technology, and pharmacoepidemiology.

38 ~~(4) Supervised and relevant clinical experience for~~
39 ~~management of medication sufficient to attain~~
40 ~~competency in the treatment of a diverse client~~



1 ~~population with a balance as to diagnostic mix, gender,~~
2 ~~ethnicity, and age under the direction of qualified~~
3 ~~licensed health care practitioners, as determined by the~~
4 ~~Board of Psychology~~

5 (4) *Completion of 800 supervised hours of clinical*
6 *experience in prescribing and managing medications.*
7 *The supervised clinical experience shall be in an*
8 *organized health or mental health setting that is affiliated*
9 *with an accredited educational institution and that*
10 *includes the availability of physicians who shall have*
11 *responsibility for the physical health status of patients in*
12 *that setting. The emphasis of the supervised training shall*
13 *be on providing services to underserved populations,*
14 *including diverse client population that includes*
15 *diagnostic mix, gender, ethnicity, and age under the*
16 *direction of qualified licensed health care practitioners,*
17 *as determined by the Board of Psychology in consultation*
18 *with the Certified Psychologists Advisory Committee*
19 *within a five-year period immediately preceding the date*
20 *of application. Clinical experience shall include periodic*
21 *morbidity conferences and evaluation of critical thinking.*

22 (d) As an alternative to meeting the eligibility criteria
23 in subdivision (c), an applicant shall be eligible for
24 certification by the board if he or she is a graduate of the
25 U.S. Department of Defense Psychopharmacology
26 Demonstration program, and is licensed pursuant to
27 paragraph (2) of subdivision (c).

28 ~~SEC. 5.~~

29 *SEC. 8.* Section 2949.1 is added to the Business and
30 Professions Code, to read:

31 2949.1. Notwithstanding any other provision of law, a
32 person who successfully completed the University of
33 California, Doctor of Mental Health Program (DMH),
34 and meets the following requirements shall be issued a
35 certificate by the Board of Psychology qualifying them as
36 a “certified psychologist”:

37 (a) *Possesses a valid license to practice psychology in*
38 *the state.*

39 (b) *Evidence of successful completion of the Doctor of*
40 *Mental Health program.*



1 ~~(b)~~

2 (c) Evidence that the practitioner has been a licensed
3 and practicing clinical psychologist since completing the
4 DMH program.

5 ~~(e)~~

6 (d) Evidence of appropriate knowledge of current
7 developments in pharmacology and medication
8 management.

9 ~~(d)~~

10 (e) Evidence of completion within the previous five
11 years of supervised clinical experience for management
12 of medication, *as described in paragraph (4) of*
13 *subdivision (c) of Section 2949*, to a diverse client
14 population under the direction of qualified licensed
15 health care practitioners.

16 ~~(e)~~

17 (f) *Successfully passes the certification examination*
18 *established by this section.*

19 (g) Other reasonable requirements as established by
20 the Board of Psychology.

21 ~~SEC. 6.~~

22 *SEC. 9.* Section 2949.2 is added to the Business and
23 Professions Code, to read:

24 2949.2. (a) The board, in consultation with the
25 Certified Psychologist Advisory Committee, shall set
26 forth the requirements for renewal of a certificate and
27 prescriptive authority to a psychologist for each license
28 renewal period.

29 (b) *Each applicant for an initial certificate for*
30 *prescriptive authority shall agree in a written statement*
31 *under penalty of perjury to spend no less than 80 percent*
32 *of his or her total time as a certified psychologist for three*
33 *calendar years following the initial issuance of the*
34 *certificate, devoted to providing services as a certified*
35 *prescribing psychologist to underserved populations as*
36 *defined. The board shall adopt procedures for enforcing*
37 *this requirement that may include a penalty not to exceed*
38 *permanent revocation of a certificate to prescribe*
39 *medications.*



1 (c) 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.~~

7 *SEC. 10.* Section 2949.3 is added to the Business and
8 Professions Code, to read:

9 2949.3. (a) Each “certified psychologist” shall
10 comply with all state and federal rules and regulations
11 relating to the prescribing, dispensing, and
12 recordkeeping for drugs as defined in Sections 4022, 4023,
13 4025, and 4055, and other applicable sections of the code.

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

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

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

21 ~~SEC. 8.~~

22 *SEC. 11.* Section 2949.4 is added to the Business and
23 Professions Code, to read:

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

28 (1) The name of the psychologist.

29 (2) The unique identification number indicating
30 certification to prescribe.

31 (3) The effective date of prescriptive authority.

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

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

39 ~~SEC. 9.~~



1 SEC. 12. Section 2949.5 is added to the Business and
2 Professions Code, to read:

3 2949.5. Nothing in this chapter shall be construed to
4 authorize “certified psychologist” to prescribe
5 medications other than those generally recognized for
6 the treatment of disorders within the scope of practice of
7 a psychologist.

8 SEC. 13. Section 2960 of the Business and Professions
9 Code is amended to read:

10 2960. The board may refuse to issue any registration
11 or license, or may issue a registration or license with terms
12 and conditions, or may suspend or revoke the registration
13 or license of any registrant or licensee if the applicant,
14 registrant, or licensee has been guilty of unprofessional
15 conduct. Unprofessional conduct shall include, but not be
16 limited to:

17 (a) Conviction of a crime substantially related to the
18 qualifications, functions or duties of a psychologist or
19 psychological assistant.

20 (b) Use of any controlled substance as defined in
21 Division 10 (commencing with Section 11000) of the
22 Health and Safety Code, or dangerous drug, or any
23 alcoholic beverage to an extent or in a manner dangerous
24 to himself or herself, any other person, or the public, or
25 to an extent that this use impairs his or her ability to
26 perform the work of a psychologist with safety to the
27 public.

28 (c) Fraudulently or neglectfully misrepresenting the
29 type or status of license or registration actually held.

30 (d) Impersonating another person holding a
31 psychology license or allowing another person to use his
32 or her license or registration.

33 (e) Using fraud or deception in applying for a license
34 or registration or in passing the examination provided for
35 in this chapter.

36 (f) Paying, or offering to pay, accepting, or soliciting
37 any consideration, compensation, or remuneration,
38 whether monetary or otherwise, for the referral of clients.

39 (g) Violating Section 17500.



1 (h) Willful, unauthorized communication of
2 information received in professional confidence.

3 (i) Violating any rule of professional conduct
4 promulgated by the board and set forth in regulations
5 duly adopted under this chapter.

6 (j) Being grossly negligent in the practice of his or her
7 profession.

8 (k) Violating any of the provisions of this chapter or
9 regulations duly adopted thereunder.

10 (l) The aiding or abetting of any person to engage in
11 the unlawful practice of psychology.

12 (m) The suspension, revocation or imposition of
13 probationary conditions by another state or country of a
14 license or certificate to practice psychology or as a
15 psychological assistant issued by that state or country to
16 a person also holding a license or registration issued under
17 this chapter if the act for which the disciplinary action was
18 taken constitutes a violation of this section.

19 (n) The commission of any dishonest, corrupt, or
20 fraudulent act.

21 (o) Any act of sexual abuse, or sexual relations with a
22 patient, or sexual misconduct which is substantially
23 related to the qualifications, functions or duties of a
24 psychologist or psychological assistant.

25 (p) Functioning outside of his or her particular field or
26 fields of competence as established by his or her
27 education, training, and experience.

28 (q) Willful failure to submit, on behalf of an applicant
29 for licensure, verification of supervised experience to the
30 board.

31 (r) Repeated acts of negligence.

32 (s) *Violating Section 2949.3 relating to prescribing or*
33 *dispensing drugs.*

34 *SEC. 14.* Section 4040 of the Business and Professions
35 Code is amended to read:

36 4040. (a) "Prescription" means an oral order or an
37 electronic transmission prescription given individually
38 for the person or persons for whom prescribed, directly
39 from the prescriber to the furnisher, or indirectly by
40 means of a written order, signed by the prescriber, and



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

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

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

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

38 (e) Nothing in the amendments made to this section
39 (formerly Section 4036) at the 1969 Regular Session of the
40 Legislature shall be construed as expanding or limiting



1 the right that a chiropractor, while acting within the
2 scope of his or her license, may have to prescribe a device.

3 *SEC. 15. No reimbursement is required by this act*
4 *pursuant to Section 6 of Article XIII B of the California*
5 *Constitution because the only costs that may be incurred*
6 *by a local agency or school district will be incurred*
7 *because this act creates a new crime or infraction,*
8 *eliminates a crime or infraction, or changes the penalty*
9 *for a crime or infraction, within the meaning of Section*
10 *17556 of the Government Code, or changes the definition*
11 *of a crime within the meaning of Section 6 of Article*
12 *XIII B of the California Constitution.*

13 *Notwithstanding Section 17580 of the Government*
14 *Code, unless otherwise specified, the provisions of this act*
15 *shall become operative on the same date that the act*
16 *takes effect pursuant to the California Constitution.*

