

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 403

By: Pemberton

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5
6 AS INTRODUCED

7 An Act relating to the practice of psychology;
8 defining terms; allowing licensed psychologist to
9 prescribe psychotropic drugs under certain
10 conditions; providing for application for conditional
11 prescription certificate; stating application
12 criteria; providing for issuance of, expiration of,
13 and reapplication for certificate; listing conditions
14 under which licensed psychologist may prescribe
15 psychotropic drugs under conditional prescription
16 certificate; providing certain immunity; providing
17 for application for prescription certificate; stating
18 application criteria; listing conditions under which
19 licensed psychologist may prescribe psychotropic
20 drugs under prescription certificate; directing
21 promulgation of rules; providing for codification;
22 and providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1371.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" means, unless otherwise explicitly stated, the State
Board of Examiners of Psychologists;

1 2. "Conditional prescription certificate" means a document
2 issued by the State Board of Examiners of Psychologists to a
3 licensed psychologist that permits the holder to prescribe
4 psychotropic medication under the supervision of a supervising
5 physician pursuant to this act;

6 3. "Prescription certificate" means a document issued by the
7 State Board of Examiners of Psychologists to a licensed psychologist
8 that permits the holder to prescribe psychotropic medication
9 pursuant to this act;

10 4. "Psychologist" has the same meaning as provided in Section
11 1352 of Title 59 of the Oklahoma Statutes;

12 5. "Psychotropic medication" means a controlled substance or
13 drug that may not be dispensed or administered without a
14 prescription and whose primary use has been approved by the federal
15 Food and Drug Administration for the treatment of mental disorders
16 or is listed as a psychotherapeutic agent in Drug Facts and
17 Comparisons 2017, or the most recent edition of that book, or in
18 American Hospital Formulary Service Drug Information, and includes
19 antidepressants, anti-anxiety, stimulants, antipsychotics, and mood
20 stabilizers; and

21 6. "Supervising physician" means a licensed allopathic
22 physician or osteopathic physician who is supervising a psychologist
23 in the prescribing of psychotropic medication under this act.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1371.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A licensed psychologist holding a conditional prescription
5 certificate may prescribe psychotropic medication under the
6 supervision of a supervising physician pursuant to this act.

7 B. A licensed psychologist holding a prescription certificate
8 may prescribe psychotropic medication independent of the supervision
9 of a supervising physician pursuant to this act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1371.3 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A psychologist may apply to the State Board of Examiners of
14 Psychologists for a conditional prescription certificate. The
15 application shall be made on a form approved by the Board and be
16 accompanied by evidence satisfactory to the Board that the
17 applicant:

18 1. Has completed a doctoral program in psychology from an
19 accredited institution of higher education or professional school,
20 or, if the program was not accredited at the time of the applicant's
21 graduation, that the program meets professional standards determined
22 acceptable by the Board;

23 2. Holds a current license to practice psychology in this
24 state;

1 3. Has successfully completed a postdoctoral master of science
2 degree in psychopharmacology from an institution of higher education
3 approved by the State Board of Examiners of Psychologists, the State
4 Board of Medical Licensure and Supervision, and the State Board of
5 Osteopathic Examiners;

6 4. Has passed a national certification examination approved by
7 the State Board of Examiners of Psychologists, the State Board of
8 Medical Licensure and Supervision, and the State Board of
9 Osteopathic Examiners that tests the applicant's knowledge of
10 pharmacology in the diagnosis, care, and treatment of mental
11 disorders;

12 5. Within the five (5) years immediately preceding the date of
13 application, has successfully completed an organized program of
14 education approved by the State Board of Examiners of Psychologists,
15 the State Board of Medical Licensure and Supervision, and the State
16 Board of Osteopathic Examiners and consisting of didactic
17 instruction of no fewer than four hundred fifty (450) classroom
18 hours in at least the following core areas of instruction:

- 19 a. neuroscience,
- 20 b. pharmacology,
- 21 c. psychopharmacology,
- 22 d. physiology,
- 23 e. pathophysiology,

- f. appropriate and relevant physical and laboratory assessment, and
- g. clinical pharmacotherapeutics;

6. Within the five (5) years immediately preceding the date of application, has been certified by each of the applicant's supervising physicians as having successfully completed a supervised and relevant clinical experience, approved by the State Board of Examiners of Psychologists, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners of:

- a. no less than an eighty-hour practicum in clinical assessment and pathophysiology under the supervision of a licensed allopathic or osteopathic physician, and
- b. an additional supervised practicum of at least four hundred (400) hours treating no fewer than one hundred patients with mental disorders, the practicum to have been supervised by any one or a combination of a psychiatrist or other appropriately trained licensed allopathic or osteopathic physician and determined by the State Board of Examiners of Psychologists, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners to be sufficient to competently train the applicant in the treatment of a diverse patient population. One-to-one

1 supervision shall be provided either face-to-face,
2 telephonically or by video conference.

3 B. The State Board of Examiners of Psychologists shall issue a
4 conditional prescription certificate if it finds that the applicant
5 has met the requirements of subsection A of this section. The
6 certificate shall be valid for a period of two (2) years, at the end
7 of which the holder may again apply pursuant to the provisions of
8 subsection A of this section.

9 C. A psychologist with a conditional prescription certificate
10 may prescribe psychotropic medication under the supervision of a
11 supervising physician subject to the following conditions:

12 1. The psychologist shall continue to hold a current license to
13 practice psychology in this state and shall maintain malpractice
14 insurance in accordance with rules prescribed by the Board;

15 2. The psychologist shall notify the Board of the name of the
16 psychologist's supervising physician; and

17 3. A supervising physician shall notify the supervising
18 physician's own licensing board of the name of each psychologist
19 under the supervising physician's supervision.

20 D. A supervising physician shall not be liable for the acts of
21 a psychologist under the supervising physician's supervision unless
22 the injury or loss arises from those acts under the direction and
23 control of the supervising physician.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1371.4 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A psychologist may apply to the State Board of Examiners of
5 Psychologists for a prescription certificate. The application shall
6 be made on a form approved by the Board and be accompanied by
7 evidence satisfactory to the Board that the applicant:

8 1. Has been issued a conditional prescription certificate and
9 has successfully completed two (2) years of prescribing psychotropic
10 medication as certified by the supervising physician;

11 2. Has successfully undergone a process of independent peer
12 review approved by the State Board of Examiners of Psychologists,
13 the State Board of Medical Licensure and Supervision, and the State
14 Board of Osteopathic Examiners;

15 3. Holds a current license to practice psychology in this
16 state;

17 4. Has malpractice insurance in place, sufficient to satisfy
18 the rules adopted by the State Board of Examiners of Psychologists,
19 that will cover the applicant as a prescribing psychologist; and

20 5. Meets all other requirements, as determined by rules of the
21 State Board of Examiners of Psychologists, for obtaining a
22 prescription certificate.

1 B. The State Board of Examiners of Psychologists shall issue a
2 prescription certificate if it finds that the applicant has met the
3 requirements of subsection A of this section.

4 C. A psychologist with a prescription certificate may prescribe
5 psychotropic medication pursuant to the provisions of this act if
6 the psychologist:

7 1. Continues to hold a current license to practice psychology
8 in this state and continues to maintain malpractice insurance; and

9 2. Annually satisfies the continuing education requirements for
10 prescribing psychologists, as set by the Board, which shall be no
11 fewer than twenty (20) hours each year.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1371.5 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The State Board of Examiners of Psychologists shall
16 promulgate rules providing for the procedures to be followed in
17 obtaining a conditional prescription certificate, a prescription
18 certificate, and renewals of a prescription certificate. The Board
19 may set reasonable application and renewal fees.

20 B. The State Board of Examiners of Psychologists shall
21 promulgate rules establishing the grounds for denial, suspension, or
22 revocation of conditional prescription certificates and prescription
23 certificates authorized to be issued pursuant to this act, including
24 a provision for suspension or revocation of a license to practice
25

1 psychology upon suspension or revocation of a certificate. Actions
2 of denial, suspension, or revocation of a certificate shall be in
3 accordance with the Administrative Procedures Act.

4 SECTION 6. This act shall become effective November 1, 2023.

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