

SENATE FILE NO. SF0123

Psychologist prescriptive authority.

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

A BILL

for

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

5

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

7

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; certification procedures.**

13

14 (a) A psychologist who applies for prescriptive
15 authority shall demonstrate by official transcript or other

1 official evidence satisfactory to the board that the
2 applicant:

3

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

11

12 (ii) Holds a current license to practice
13 psychology in this state;

14

15 (iii) Has completed a program of education in an
16 organized program of intensive didactic instruction as
17 defined by the board consisting of not less than three
18 hundred eighty (380) hours instruction at an accredited
19 postsecondary institution including instruction in the
20 following core areas of instruction: neuroscience,
21 pharmacology, psychopharmacology, physiology,
22 pathophysiology, appropriate and relevant physical and
23 laboratory assessment and clinical pharmacotherapeutics or

1 practiced with prescriptive authority in a jurisdiction
2 allowing such practice;

3

4 (iv) Has obtained supervised and relevant
5 clinical experience of at least one (1) year's duration and
6 sufficient to attain competency in the treatment of a
7 diverse patient population under the direction of qualified
8 practitioners as determined by the board; and

9

10 (v) Has passed a national certifying examination
11 developed by a nationally recognized body and approved by
12 the board.

13

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

18

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

22

23 (ii) Develop and implement procedures for
24 reviewing educational and training credentials for that

1 certification process, in accordance with current standards
2 of professional practice.

3

4 **33-27-125. Renewal of prescriptive authority.**

5

6 (a) The board shall prescribe by rule a method for
7 the renewal of prescriptive authority at the time of, or in
8 conjunction with, the renewal of licenses to practice
9 psychology.

10

11 (b) Each applicant for renewal of prescriptive
12 authority shall in addition to any other requirements for
13 license renewal, present satisfactory evidence to the board
14 demonstrating completion of six (6) hours of continuing
15 education relevant to prescriptive authority in the
16 previous licensure period.

17

18 **33-27-126. Prescribing practices.**

19

20 (a) Every prescription by a psychologist certified to
21 prescribe shall:

22

23 (i) Comply with all applicable state and federal
24 laws; and

1

2 (ii) Be identified as issued by the psychologist
3 as "psychologist certified to prescribe" and shall include
4 the prescriber's identification number assigned by the
5 board.

6

7 (b) Records of all prescriptions shall be maintained
8 in patient records.

9

10 (c) A psychologist shall not delegate the prescribing
11 of drugs to any person not otherwise licensed to prescribe
12 the drugs in question.

13

14 **33-27-127. Controlled substance prescriptive**
15 **authority.**

16

17 (a) If authorized to prescribe controlled substances,
18 each psychologist certified to prescribe shall file in a
19 timely manner any and all individual drug enforcement
20 agency registrations and numbers with the board.

21

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

1

2 **33-27-128. Interaction with the board of pharmacy.**

3

4 (a) The board shall transmit to the board of pharmacy
5 an annual list of psychologists certified to prescribe
6 containing the following information:

7

8 (i) The name of the psychologist;

9

10 (ii) The psychologist's identification number
11 assigned by the board; and

12

13 (iii) The effective date of prescriptive
14 authority.

15

16 (b) The board shall promptly forward to the board of
17 pharmacy the names and titles of psychologists added to, or
18 deleted from, the annual list of psychologists certified to
19 prescribe.

20

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

24

(d) The board of pharmacy, in collaboration with the board of psychology, shall develop a formulary of commonly used drugs for the treatment of mental and emotional disorders for use by psychologists with prescriptive authority.

Section 2. W.S. 6-4-403(b)(iv), 33-24-101(c)(vii), 33-24-136(b), 33-24-137(a)(i), 33-26-102(a)(xi)(E), 33-27-113(a)(iii)(intro), creating new paragraphs (x) through (xv) and by renumbering (x) as (xvi), 33-27-119(a)(i) and 33-27-120(b)(intro) are amended to read:

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

(b) No person shall knowingly:

(iv) Sell, give or otherwise furnish a child any drug prohibited by law without a ~~physician's~~ prescription from a physician or a psychologist who has prescriptive authority pursuant to W.S. 33-27-113(a)(xiv); or

1 **33-24-101. Short title; definition.**

2

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

5

6 (vii) Filling a prescription without reasonable
7 inquiry and confirmation of its validity if there are
8 reasonable grounds to doubt the current existence of a
9 doctor-patient relationship between the prescriber and the
10 customer seeking to obtain the drug or that the customer
11 seeking to obtain the drug is the current patient of a
12 psychologist who has prescriptive authority pursuant to
13 W.S. 33-27-113(a)(xiv);

14

15 **33-24-136. Filing written memorandum of prescription;**
16 **labels generally; prescription defined; counseling and**
17 **patient profiles.**

18

19 (b) "Prescription" means an order for medication by a
20 person licensed and authorized by the state board of
21 medicine, the state board of dental examiners, the state
22 board of nursing, the state board of registration in
23 podiatry, the state board of examiners in optometry, ~~or~~ or the
24 state board of veterinary medicine or a psychologist who

1 has prescriptive authority pursuant to W.S.
2 33-27-113(a)(xiv) which is dispensed to or for an ultimate
3 user, but does not include an order for medication which is
4 dispensed for immediate administration to the ultimate
5 user. Each prescription memorandum shall be maintained and
6 open for inspection by agents of the board for a period of
7 two (2) years from the date it is filed.

8

9 **33-24-137. Sale of poison.**

10

11 (a) It shall be unlawful:

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13 (i) For any person, either on his own behalf or
14 while in the employ of another, to sell or give away any
15 poison, as designated by the board of pharmacy without
16 first recording in a book to be kept for that purpose, with
17 an indelible pencil or ink, the date, the name and address
18 of the person to whom, and the amount and kind of poison
19 delivered, except when such poison is sold on the written
20 prescription of an osteopath, physician, dentist,
21 psychologist or veterinarian;

22

23 **33-26-102. Definitions.**

24

1 (a) As used in this chapter:

2

3 (xi) "Practicing medicine" means any person who
4 in any manner:

5

6 (E) Offers or undertakes to prescribe,
7 order, give or administer drugs which can only be obtained
8 by prescription according to law except it does not mean
9 the prescription of drugs by a psychologist who has
10 prescriptive authority pursuant to W.S. 33-27-113(a)(xiv);
11 or

12

13 **33-27-113. Definitions.**

14

15 (a) As used in this act:

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17 (iii) "Practice of psychology" means the
18 observation, description, evaluation, interpretation and
19 modification of human behavior by the application of
20 psychological principles, methods and procedures, for the
21 purpose of preventing or eliminating symptomatic,
22 maladaptive or undesired behavior and of enhancing
23 interpersonal relationships, work and life adjustment,
24 personal effectiveness, behavioral health and mental health

1 and may include prescribing drugs and controlled substances
2 if authorized by the board. Psychological services may be
3 rendered to individuals, families, groups and the public.
4 The practice of psychology shall be construed within the
5 meaning of this definition without regard to whether
6 payment is received for services rendered. The practice of
7 psychology includes, but is not limited to:

8
9 (x) "Accredited university or school" means
10 accredited by a regional body recognized by United States
11 department of education or the council for higher education
12 accreditation;

13
14 (xi) "Controlled substance" means as defined in
15 W.S. 35-7-1016 through 35-7-1022;

16
17 (xii) "Drug" means as defined by W.S.
18 35-7-110(a) (x) ;

19
20 (xiii) "Prescriptive authority" means the
21 authority to prescribe and dispense drugs and other
22 treatment procedures within the scope of practice of
23 psychology in accordance with regulations adopted by the
24 board;

1

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

5

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

12

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

15

16 **33-27-119. Practice without license.**

17

18 (a) No person shall:

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

23

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

Section 3. This act is effective July 1, 2005.

(END)