

ACT No. 11

Regular Session, 2004

HOUSE BILL NO. 1426

BY REPRESENTATIVE SALTER AND SENATOR HINES

1 AN ACT

2 To amend and reenact R.S. 37:1701 and 2366 and to enact Part II of Chapter 28 of Title 37
3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2371 through
4 2378, relative to medical psychologists; to authorize medical psychologists to
5 prescribe drugs and to provide for the duties of a medical psychologist; to allow a
6 medical psychologist to give directions to certain other health care providers; to
7 establish the qualifications for medical psychologists and the requirements for
8 certification; to provide for renewal of the certificate; to prohibit issuance of a
9 prescription by a psychologist who is not a medical psychologist certified to
10 prescribe; to provide a penalty for violations; to provide for prescribing practices; to
11 provide for controlled substance prescriptive authority; to provide for coordination
12 with the Louisiana Board of Pharmacy; to provide for designation of existing law; to
13 provide for the effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 37:1701 and 2366 are hereby amended and reenacted and Part II of
16 Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2371
17 through 2378, is hereby enacted to read as follows:

18 §1701. Prescription; name of patient and prescription

19 A. Each physician, surgeon, optometrist, medical psychologist, and dentist,
20 upon writing a prescription shall write the name of the patient and the trade name, or
21 the generic name, or the most commonly used name on the prescription issued.

22 B. No druggist, pharmacist, or dispensing physician shall fill any prescription
23 unless the name of the patient and the trade name, or the generic name, or the most
24 commonly used name of the prescription appears on the label, unless otherwise
25 specified by the physician, surgeon, optometrist, medical psychologist, or dentist.

26 * * *

1 §2366. Drugs; medicine

2 ~~Nothing~~ Except as provided in Part II of this Chapter, nothing in this Chapter
3 shall be construed as permitting a psychologist licensed under this Chapter to
4 administer or prescribe drugs, or in any manner engage in the practice of medicine
5 as defined by the laws of this state.

6 * * *

7 PART II. MEDICAL PSYCHOLOGISTS

8 §2371. Definitions

9 As used in this Part, the following terms shall be defined as follows:

10 (1) "Board" shall mean the State Board of Examiners of Psychologists.

11 (2) "Certificate of prescriptive authority" shall mean a certificate issued by
12 the board which grants a medical psychologist the authority to prescribe and to
13 distribute, without charge, drugs and other procedures directly related thereto within
14 the scope of practice of psychology in accordance with rules and regulations adopted
15 by the board.

16 (3) "Drug" shall mean the same as the term "drug" as defined in R. S.
17 40:961(16), including controlled substances except narcotics, but shall be limited to
18 only those agents related to the diagnosis and treatment of mental and emotional
19 disorders as defined in R.S. 37:2352(5). "Narcotics" are defined as natural and
20 synthetic opioid analgesics, and their derivatives used to relieve pain. Nothing in this
21 Chapter shall be construed to permit a medical psychologist to administer or
22 prescribe a narcotic.

23 (4) "Medical psychologist" shall mean the psychologist who has undergone
24 specialized training in clinical psychopharmacology and has passed a national
25 proficiency examination in psychopharmacology approved by the board and who
26 holds from the board a current certificate of responsibility.

27 (5) "Prescription" shall mean an order for a drug or for a device or test
28 directly related to the drug or to the decision to order or to continue or discontinue
29 the order of the drug.

1 §2372. Powers and duties

2 The board shall:

3 (1) Provide for an application form for examination, certification, and
4 certification renewal.

5 (2) Develop and implement a procedure to review the educational and
6 training credentials of a psychologist applying for a certificate of prescriptive
7 authority and for renewal of the certificate in accordance with current standards of
8 professional practice.

9 (3) Issue a certificate of prescriptive authority to any duly qualified medical
10 psychologist and renew the certificate of prescriptive authority of any medical
11 psychologist who is not in violation of any provisions of this Part.

12 (4) Deny, revoke, or suspend a certificate of prescriptive authority of any
13 medical psychologist who is found guilty of violating any provisions of this Part.

14 (5) Issue an identification number to be placed on the certificate of
15 prescriptive authority.

16 (6) Maintain a current roster of every medical psychologist certified to
17 prescribe under this Part, including each such medical psychologist's name, last
18 known address, identification number issued by the board, and the Drug Enforcement
19 Agency (DEA) registrations and numbers.

20 (7) Have all other powers necessary to implement the provisions of this Part.

21 §2373. Certification; requirements

22 The board shall issue a certificate of prescriptive authority to any
23 psychologist who files an application upon a form and in such a manner as the board
24 prescribes, and who furnishes satisfactory evidence to the board that the psychologist
25 meets each of the following requirements:

26 (1) Holds a current Louisiana license to practice psychology with an applied
27 clinical speciality as defined by the board.

28 (2) Has successfully graduated with a post-doctoral master's degree in
29 clinical psychopharmacology from a regionally accredited institution or equivalent

1 to the post-doctoral master’s degree as approved by the board. The curriculum shall
 2 include instruction in anatomy and physiology, biochemistry, neurosciences,
 3 pharmacology, psychopharmacology, clinical medicine/pathophysiology and health
 4 assessment, including relevant physical and laboratory assessment.

5 §2374. Certificate of prescriptive authority; renewal

6 A. The board shall implement a method for renewal of a certificate of
 7 prescriptive authority at the time of, and in conjunction with, the renewal of a
 8 medical psychologist's license to practice psychology.

9 B. Prior to the date of renewal of a certificate of prescriptive authority, each
 10 medical psychologist applying for such renewal shall present satisfactory evidence
 11 to the board of having annually completed thirty clock hours of acceptable continuing
 12 education, as determined by the board, relevant to the pharmacological treatment of
 13 mental and emotional disorders. The continuing education requirements under this
 14 Part shall be in addition to those continuing education requirements for licensure
 15 renewal under the provisions of LAC 46:LXIII.801 - 803.

16 §2375. Certificate of prescriptive authority required to prescribe; prescribing
 17 practices

18 A. No medical psychologist shall issue a prescription unless the medical
 19 psychologist holds a valid certificate of prescriptive authority.

20 B. Each prescription issued by a medical psychologist shall:

21 (1) Comply with all applicable state and federal laws and regulations.

22 (2) Be identified as issued by the medical psychologist and shall include the
 23 identification number of the medical psychologist.

24 C.(1) A medical psychologist holding a valid certificate to prescribe shall
 25 prescribe only in consultation and collaboration with the patient's primary or
 26 attending physician, and with the concurrence of that physician. The medical
 27 psychologist shall also re-consult with the patient's physician prior to making changes
 28 in the patient's medication regimen, including dosage adjustments, adding or

1 discontinuing a medication. The medical psychologist and the physician shall
2 document the consultation in the patient’s medical record.

3 (2) In the event a patient does not have a primary or attending physician, the
4 medical psychologist shall not prescribe for that patient.

5 D. A medical psychologist shall not delegate the prescribing of a drug to any
6 other individual.

7 §2376. Drug Enforcement Agency; registration

8 A. Each medical psychologist shall obtain a Drug Enforcement Agency
9 (DEA) registration and number.

10 B. The DEA registration and number shall be filed with the board before the
11 medical psychologist issues a prescription for a controlled substance.

12 §2377. Coordination with the Louisiana Board of Pharmacy

13 A. The board shall annually send to the Louisiana Board of Pharmacy a list
14 of medical psychologists holding valid certificates of prescriptive authority. This list
15 shall contain the following information:

16 (1) The name and identification number of each medical psychologist.

17 (2) The effective date for which the certificate of prescriptive authority is
18 valued for each listed medical psychologist.

19 B. The board shall promptly notify the Louisiana Board of Pharmacy of the
20 name of any medical psychologist who is added to or deleted from the list of medical
21 psychologists certified to prescribe.

22 C. The board shall notify the Louisiana Board of Pharmacy in a timely
23 manner of the revocation, suspension, or reinstatement of any certificate of
24 prescriptive authority.

25 §2378. Violation; penalties

26 Whoever violates any provision of this Part shall be guilty of a misdemeanor
27 and shall, upon conviction, be imprisoned for not more than six months, fined not
28 more than five hundred dollars, or both.

1 Section 2. The Louisiana State Law Institute is hereby directed to designate R.S.
2 37:2351 through 2367 as Part I of Chapter 28 of Title 37 of the Louisiana Revised Statutes
3 of 1950 and to entitle such Part "Licensure and Regulation of Psychologists".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____