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H.392

Introduced by Representatives Noyes of Wolcott, Cordes of Lincoln, Killacky  
of South Burlington, Scheuermann of Stowe, Townsend of  
South Burlington, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Professional regulation; doctoral-level psychologists; prescribing

Statement of purpose of bill as introduced: This bill proposes to allow the  
Board of Psychological Examiners to confer prescribing authority upon  
doctoral-level psychologists who have completed specific educational and  
training requirements.

An act relating to prescribing by doctoral-level psychologists

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly to expand options available to  
individuals receiving treatment for opioid use and other substance use and  
addictive orders, many of which have co-occurring mental health conditions  
like post-traumatic stress disorder, depression, and anxiety. In authorizing  
doctoral-level psychologists with advanced education and training beyond the  
doctoral degree to prescribe medications including controlled substances

1 typically used in the diagnosis, treatment, and management of a person with a  
2 psychiatric, cognitive, nervous, emotional, or behavioral disorder, including  
3 opioid use disorder, the State commits to a population health model of care.  
4 Authorizing prescribing by doctoral-level psychologists with advanced training  
5 creates another point of contact for individuals experiencing mental health and  
6 addictive disorders, which reduces barriers to care, such as transportation,  
7 scheduling, and the development of trusting relationships with multiple  
8 providers. It also aligns Vermont with similar authorizations granted by the  
9 U.S. Armed Forces, the Indian Health Service, the U.S. Public Health Service,  
10 and five other states.

11 Sec. 2. 26 V.S.A. § 3019 is added to read:

12 § 3019. PRESCRIBING BY DOCTORAL-LEVEL PSYCHOLOGISTS

13 (a) In accordance with applicable State and federal laws, the Board shall  
14 issue a certificate conferring the authority to prescribe, administer, discontinue,  
15 and distribute controlled substances, as defined in 21 C.F.R. Part 1308, that are  
16 recognized in or customarily used in the diagnosis, treatment, and management  
17 of a person with a psychiatric, cognitive, nervous, emotional, or behavioral  
18 disorder to a doctoral-level psychologist who:

19 (1) is licensed pursuant to this chapter;

20 (2) has a postdoctoral master's degree in clinical psychopharmacology  
21 designated as meeting the necessary coursework requirements by the American

1 Psychological Association or by another health professional association

2 qualified to designate necessary coursework requirements; and

3 (3) has passed an examination developed by a nationally recognized  
4 body and approved by the Board that is relevant to establishing competence for  
5 prescribing.

6 (b) The degree described in subdivision (a)(2) of this section shall include:

7 (1) a structured sequence of study in an organized program offering  
8 intensive didactic education, including basic life sciences; neurosciences;  
9 clinical and research pharmacology and psychopharmacology; clinical  
10 medicine and pathophysiology; physical assessment and laboratory  
11 examinations; clinical pharmacotherapeutics; and research on professional,  
12 ethical, and legal issues; and

13 (2) relevant clinical experience, including at least 100 patient  
14 consultations, sufficient to attain competency in the psychopharmacological  
15 treatment of a diverse patient population in collaboration with and under the  
16 direction of a qualified practitioner, including a physician licensed pursuant to  
17 chapter 23 or 33 of this title; an advanced practice registered nurse licensed  
18 pursuant to chapter 28, subchapter 2 of this title; or a prescribing doctoral-level  
19 psychologist with five or more years of experience.

1       (c)(1) A doctoral-level psychologist who has received a prescribing  
2       certificate from the Board shall only prescribe for a patient who has a primary  
3       care provider or psychiatrist of record.

4       (2) A doctoral-level psychologist who has received a prescribing  
5       certificate from the Board shall consult and collaborate with a patient's  
6       primary care provider or psychiatrist of record to obtain a concurrence prior to  
7       initiating, making changes to, or terminating a medication treatment plan.

8       (3) A doctoral-level psychologist who has received a prescribing  
9       certificate from the Board shall not delegate his or her prescribing authority to  
10       any other person.

11       (d) A prescription issued by a doctoral-level psychologist who has received  
12       a prescribing certificate from the Board shall:

13               (1) comply with applicable State and federal laws; and

14               (2) be identified as written by a doctoral-level psychologist, in a manner  
15       determined by the Board.

16       (e) A doctoral-level psychologist who has received a prescribing certificate  
17       from the Board shall maintain a record of all relevant prescribing history and  
18       consultations with a patient's primary care provider or psychiatrist of record.

19       (f) The Board shall:

1           (1) maintain records on each doctoral-level psychologist who has  
2           received a prescribing certificate, including the doctoral-level psychologist's  
3           Drug Enforcement Administration registration and number;

4           (2) transmit to the Vermont Board of Pharmacy, on a quarterly basis, a  
5           list of those doctoral-level psychologists holding a current prescribing  
6           certificate from the Board; and

7           (3) adopt rules pursuant to 3 V.S.A. chapter 25 to develop and  
8           implement procedures for:

9                   (A) Reviewing the education and training credentials for issuing  
10                  prescribing certificates to doctoral-level psychologists in accordance with  
11                  current standards of professional practice.

12                   (B) Appropriate consultation and collaboration between a prescribing  
13                  doctoral-level psychologist and a patient's primary care provider or  
14                  psychiatrist of record.

15                   (C) Renewal of a doctoral-level psychologist's prescribing certificate  
16                  in conjunction with the renewal of his or her license. The Board shall require  
17                  that a doctoral-level psychologist seeking to renew his or her prescribing  
18                  certificate present evidence to the Board demonstrating completion of 18 hours  
19                  of continuing medical education relevant to prescribing authority during the  
20                  previous term of licensure.

1        (g) As used in this section, “primary care provider” means a physician  
2        licensed pursuant to chapter 23 or 33 of this title who provides the majority of  
3        a patient’s primary care and assists in coordinating a patient’s specialty care;  
4        an advanced practice registered nurse licensed pursuant to chapter 28,  
5        subchapter 2 of this title; and a physician assistant licensed pursuant to  
6        chapter 31 of this title.

7        Sec. 3. EFFECTIVE DATE

8        This act shall take effect on July 1, 2021.