

1 H.428

2 Introduced by Representative Noyes of Wolcott

3 Referred to Committee on

4 Date:

5 Subject: Professional regulation; health; doctoral-level psychologist;

6 prescribing

7 Statement of purpose of bill as introduced: This bill proposes to authorize

8 prescribing by doctoral-level psychologists.

9 An act relating to prescribing by doctoral-level psychologists

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

11 Sec. 1. 26 V.S.A. § 3001 is amended to read:

12 § 3001. DEFINITIONS

13 As used in this chapter:

14 (1) “Practice of psychology” means rendering or offering to render to  
15 individuals, groups, or organizations, for a consideration, any service involving  
16 the application of principles, methods, and procedures of understanding,  
17 predicting, and influencing behavior that are primarily drawn from the science  
18 of psychology. The science of psychology includes assessment, diagnosis,  
19 prevention, and amelioration of adjustment problems and emotional and  
20 mental disorders of individuals and groups.





1 Board, include the payment of any required fees, and be accompanied by  
2 evidence satisfactory to the Board that the applicant:

3 (A) holds a current license to practice clinical psychology in the  
4 State;

5 (B) has successfully completed the following minimum educational  
6 and training requirements either during the doctoral program required for  
7 licensure under this section or in an accredited undergraduate or master-level  
8 program prior to or subsequent to the doctoral program required under this  
9 section:

10 (i) specific minimum undergraduate biomedical prerequisite  
11 coursework, including a class or proficiency in medical terminology, two  
12 semesters of chemistry or biochemistry with a lab, one semester of human  
13 physiology, one semester of human anatomy, one semester of anatomy and  
14 physiology, one semester of microbiology with a lab, and one semester of  
15 general biology for science majors or cell and molecular biology;

16 (ii) a minimum of 60 credit hours of didactic coursework,  
17 including pharmacology, clinical psychopharmacology, clinical anatomy and  
18 integrated science, patient evaluation, advanced physical assessment, research  
19 methods, advanced pathophysiology, diagnostic methods, problem-based  
20 learning, and clinical and procedural skills; and

1                   (iii) a full-time practicum of 14 months supervised clinical  
2                   training of at least 36 credit hours, including a research project; during the  
3                   clinical rotation phase, students shall complete rotations in emergency  
4                   medicine, family medicine, geriatrics, internal medicine, obstetrics and  
5                   gynecology, pediatrics, psychiatrics, surgery, and one elective of the students'  
6                   choice; the Board shall set by rule program approval standards addressing  
7                   faculty qualifications, regular competency evaluation and length of clinical  
8                   rotations, and instructional settings, including hospitals, hospital outpatient  
9                   clinics, community mental health clinics, and correctional facilities, in  
10                   accordance with those of the Accreditation Review Commission on Education  
11                   for the Physician Assistant;

12                   (C) has completed a national certifying exam, as determined by rule;  
13                   and

14                   (D) meets all other requirements for obtaining a prescribing  
15                   psychologist license, as determined by rule.

16                   (2) The Board may issue a prescribing psychologist license if it finds  
17                   that the applicant has met the requirements in this subsection.

18                   (3) A prescribing psychologist shall only prescribe prescription drugs  
19                   pursuant to the provisions of this section if the prescribing psychologist:

20                   (A) continues to hold a current license to practice in this State;

1           (B) satisfies the continuing education requirements for prescribing  
2           psychologists, including 10 hours of continuing education annually in  
3           pharmacology from accredited providers; and

4           (C) maintains a written collaborative agreement with a collaborating  
5           physician.

6           (b) Criteria for prescribing medication.

7           (1) A written collaborative agreement is required for all prescribing  
8           psychologists practicing under a prescribing psychologist license issued  
9           pursuant to this section.

10           (2) A written delegation of prescriptive authority by a collaborating  
11           physician may only include prescription drugs for the treatment of mental  
12           health conditions that the collaborating physician generally provides to the  
13           collaborating physician's patients in the normal course of the collaborating  
14           physician's practice, except for the following:

15           (A) patients who are less than 17 years of age or over 65 years of  
16           age;

17           (B) patients during pregnancy;

18           (C) patients with serious medical conditions, such as heart disease,  
19           cancer, stroke, or seizures, and with developmental and intellectual disabilities;

20           and

1           (D) prescriptive authority for benzodiazepine Schedule III controlled  
2           substances.

3           (3) The collaborating physician shall file with the Board notice of  
4           delegation of prescriptive authority and termination of the delegation, in  
5           accordance with the Board's rules.

6           (4) All of the following shall apply to delegation of prescriptive  
7           authority:

8           (A) Any delegation of Schedule III and V controlled substances shall  
9           identify the specific controlled substance by brand name or generic name.  
10          Delivery of a controlled substance by injection shall not be delegated.  
11          Delivery of Schedule II controlled substances shall not be delegated.

12          (B) A prescribing psychologist shall not prescribe narcotic drugs as  
13          defined in 18 V.S.A. § 4201.

14          (5) Any prescribing psychologist who writes a prescription for a  
15          controlled substance without having valid and appropriate authority may be  
16          fined by the Board not more than \$50.00 per prescription and the Board may  
17          take any other disciplinary action provided in this chapter.

18          (c) Written collaborative agreements.

19           (1) The written collaborative agreement shall describe the working  
20           relationship of the prescribing psychologist with the collaborating physician  
21           and shall delegate prescriptive authority as provided in this section.

1 Collaboration does not require an employment relationship between the  
2 collaborating physician and prescribing psychologist. Absent an employment  
3 relationship, an agreement may not restrict third-party payment sources  
4 accepted by the prescribing psychologist. For the purposes of this section,  
5 “collaboration” means the relationship between a prescribing psychologist and  
6 collaborating physician with respect to the delivery of prescribing services in  
7 accordance with the prescribing psychologist’s training, education, and  
8 experience and collaboration and consultation as documented in a jointly  
9 developed written collaborative agreement.

10 (2) The collaborative agreement shall promote the exercise of  
11 professional judgment by the prescribing psychologist corresponding to the  
12 prescribing psychologist’s education and experience.

13 (3) The collaborative agreement shall not be construed to require the  
14 personal presence of a physician at the place where services are rendered.  
15 Methods of communication shall be available for consultation with the  
16 collaborating physician in person or by telecommunication in accordance with  
17 established written guidelines as set forth in the written agreement.

18 (4) Collaboration and consultation pursuant to a collaboration agreement  
19 shall be adequate if a collaborating physician does each of the following:

20 (A) participates in the joint formulation and joint approval of orders  
21 or guidelines with the prescribing psychologist and the collaborating physician



1 periodically reviews the prescribing psychologist's orders and the services  
2 provided to patients under the order in accordance with accepted standards of  
3 medical practice and prescribing psychologist practice;

4 (B) provides collaboration and consultation with the prescribing  
5 psychologist in person at least once a month for review of safety and quality  
6 clinical care or treatment;

7 (C) is available through telecommunications for consultation on  
8 medical problems, complications, emergencies, or patient referral; and

9 (D) reviews prescription drug orders of the prescribing psychologist  
10 not less than monthly, including review of laboratory tests as available.

11 (5) The written collaborative agreement shall contain provisions  
12 detailing notice for termination or change of status involving a written  
13 collaborative agreement, except when the notice is given for just cause.

14 (6) A copy of the signed written collaborative agreement shall be  
15 available to the Board upon request to either the prescribing psychologist or  
16 the collaborative physician.

17 (7) Nothing in this section shall be construed to limit the authority of a  
18 prescribing psychologist to perform all duties authorized under this section.

19 (8) A prescribing psychologist shall inform each collaborating physician  
20 of all collaborative agreements the prescribing psychologist has signed and  
21 provide a copy of these to any collaborating physician.

1           (9) No collaborating physician shall enter into more than three  
2           collaborative agreements with prescribing psychologists.

3           (d) Endorsements.

4           (1) Individuals who are already licensed as medical or prescribing  
5           psychologists in another state may apply for a Vermont prescribing  
6           psychologist license by endorsement from that state, or acceptance of that  
7           state's examination if they meet the requirements set forth in this section and  
8           any related rules, including proof of successful completion of the educational,  
9           testing, and experience standards. Applicants from other states shall not be  
10           required to pass the examination required for licensure as a prescribing  
11           psychologist in this State if they meet requirements set forth in this section and  
12           its rules, such as proof of education, testing, payment of any fees, and  
13           experience.

14           (2) An individual who graduated from the U.S. Department of Defense's  
15           Psychopharmacology Demonstration Project shall not be required to pass the  
16           examination required for licensure as a prescribing psychologists if the  
17           individual meets the requirements set forth in this section and any related rules,  
18           such as proof of education, testing, payment of any fees, and experiences.

19           (3) An individual applying for a prescribing psychologist license by  
20           endorsement shall be required to first obtain a clinical psychologist license  
21           under this section.

1       Sec. 4. EFFECTIVE DATE

2       This act shall take effect on July 1, 2023.