

1 H.237

2 Introduced by Representatives McFaun of Barre Town, Cina of Burlington,

3 Cordes of Bristol, Demar of Enosburgh, Galfetti of Barre Town,

4 Goldman of Rockingham, and Page of Newport City

5 Referred to Committee on

6 Date:

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

8 prescribing

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

10 prescribing by doctoral-level psychologists.

11 An act relating to prescribing by doctoral-level psychologists

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

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

14 § 3001. DEFINITIONS

15 As used in this chapter.

16 (1) “Practice of psychology” means rendering or offering to render to

17 individuals, groups, or organizations, for a consideration, any service

18 involving the application of principles, methods, and procedures of

19 ~~understanding, predicting, and influencing behavior that are primarily drawn~~

1 from the science of psychology. The science of psychology includes  
2 assessment, diagnosis, prevention, and amelioration of adjustment problems  
3 and emotional and mental disorders of individuals and groups.

4 (2) "Psychologist" or "practicing psychologist" means a person who is  
5 licensed to practice psychology under this chapter.

6 (3) "Psychologist-doctorate" means a person who is so licensed under  
7 this chapter.

8 (4) "Psychologist-master" means a person who is so licensed under this  
9 chapter.

10 (5) "Board" means the Board of Psychological Examiners established  
11 under this chapter.

12 \* \* \*

13 (12) "Collaborating practitioner" means a physician licensed to practice  
14 medicine pursuant to chapter 23 or 33 of this title or other prescribing provider  
15 as approved by the Board who generally prescribes prescription drugs for the  
16 treatment of a mental health condition to the physician's or prescribing  
17 provider's patients in the normal course of the physician's or prescribing  
18 provider's medical practice.

19 (13) "Drug" means an agent related to the diagnosis, treatment, or  
20 management of a mental, nervous, emotional, behavioral, cognitive, or  
21 substance misuse disorder.

1 (14) "Prescribing psychologist" means a licensed, doctoral-level  
2 psychologist who has undergone specialized training, has passed an  
3 examination as determined by rule, and has received a current prescribing  
4 specialty under section 3019 of this title that has not been revoked or  
5 suspended by the Board.

11 Sec. 2. 26 V.S.A. § 3009a is amended to read:

12       § 3009a. POWERS AND DUTIES OF BOARD

13 (a) The Board shall adopt rules necessary to perform its duties under this  
14 chapter, including rules that:

15 (1) specify educational and other prerequisites for obtaining licensure;

16 (2) explain complaint and appeal procedures to licensees, applicants,

17 and the public;

18 (3) explain continuing education requirements; and

19 (3) regulate prescribing psychologist licensees pursuant to section 3019  
20 of this title, including the length of clinical rotations, appropriate instructional  
21 settings, and prescribing authority, and

1 (4) explain how the Board shall investigate suspected unprofessional  
2 conduct regulate collaborative practice agreements pursuant to section 3019 of  
3 this title, including collaborating practitioner qualifications and annual  
4 competency evaluations.

5 \* \* \*

6 Sec. 3. 26 V.S.A. § 2019 is added to read:

## § 3019. PRESCRIBING BY DOCTORAL-LEVEL PSYCHOLOGISTS

8                   (a) Prescribing psychologist license. A psychologist-doctorate may apply  
9 to the Board for a prescribing psychologist license. The application shall be  
10 made on a form approved by the Board, include the payment of any required  
11 fees, and be accompanied by evidence satisfactory to the Board that the  
12 applicant:

13 (1) holds a current license to practice psychology at the doctoral level in  
14 the State:

19 (A) a postdoctoral training program in psychopharmacology

20 accredited by the American Psychological Association or its successor, and

7 (b) Criteria for prescribing medication.

8 (1) A written collaborative agreement is required for all prescribing

9 psychologists practicing under a prescribing psychologist license issued

10 pursuant to this section.

11 (2) The issuance of prescriptive authority by a collaborating

12 practitioner to a prescribing psychologist may only include prescription drugs

13 for the treatment of mental health conditions that the collaborating practitioner

14 generally provides to patients in the normal course of practice, except

15 prescriptive authority for the following shall not be authorized:

16 (A) patients who are less than 18 years of age or 80 years of age or

17 older; and

18 (B) patients during pregnancy.

19 (3) The collaborating practitioner shall file the collaborative agreement

20 with the Board and notice of any termination of the agreement.

10 (2) the requirements for psychologist prescribing authority in that  
11 jurisdiction are, in the judgement of the Director, substantially equivalent to  
12 the requirements of this section.

#### 13 Sec. 4. EFFECTIVE DATES

14 (a) This section and Sec. 2 (power and duties of the Board) shall take effect  
15 on July 1, 2025.

<sup>16</sup>) All changes sections shall take effect on July 1, 2020.

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

### § 3001 DEFINITIONS

### *As used in this chapter:*

(1) “*Practice of psychology*” means rendering or offering to render to individuals, groups, or organizations, for a consideration, any service

*involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior that are primarily drawn from the science of psychology. The science of psychology includes assessment, diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals and groups.*

*(2) “Psychologist” or “practicing psychologist” means a person who is licensed to practice psychology under this chapter.*

*(3) “Psychologist-doctorate” means a person who is so licensed under this chapter.*

*(4) “Psychologist-master” means a person who is so licensed under this chapter.*

*(5) “Board” means the Board of Psychological Examiners established under this chapter.*

\* \* \*

*(12) “Collaborating practitioner” means a physician licensed to practice medicine pursuant to chapter 23 or 33 of this title with a specialty in psychiatry.*

*(13) “DSM” means the Diagnostic and Statistical Manual of Mental Disorders current at the time of practice.*

*(14) “Drug” has the same meaning as in section 2022 of this title.*

(15) “Prescribing psychologist” means a licensed, doctoral-level psychologist who has undergone specialized training, has passed an examination as determined by rule, and has received a current prescribing specialty under section 3019 of this title that has not been revoked or suspended by the Board.

(16) “Prescription drug” has the same meaning as in section 2022 of this title.

(17) “Prescriptive authority” means the authority to prescribe or discontinue prescription drugs solely for the purpose of diagnosing, treating, or managing a condition recognized in the DSM. “Prescriptive authority” excludes the authority to:

(A) dispense, administer, or distribute prescription drugs; and  
(B) prescribe or discontinue prescription drugs for patients who are less than 18 years of age, over 80 years of age, or pregnant.

*Sec. 2. 26 V.S.A. § 3009a is amended to read:*

*§ 3009a. POWERS AND DUTIES OF BOARD*

*(a) The Board shall adopt rules necessary to perform its duties under this chapter, including rules that:*

*(1) specify educational and other prerequisites for obtaining licensure;*  
*(2) explain complaint and appeal procedures to licensees, applicants, and the public;*

*(3) explain continuing education requirements; and*

*(3) regulate prescribing psychologist licensees pursuant to section 3019 of this title, including:*

*(A) the settings of clinical rotations; and*

*(B) prescriptive authority, including designation of conditions and drugs excluded from that authority, as well as requirements for the prescribing of particular drugs; and*

*(4) explain how the Board shall investigate suspected unprofessional conduct regulate collaborative practice agreements pursuant to section 3019 of this title, including collaborating practitioner qualifications and annual competency evaluations.*

\* \* \*

*Sec. 3. 26 V.S.A. § 3019 is added to read:*

§ 3019. PRESCRIBING BY DOCTORAL-LEVEL PSYCHOLOGISTS

SPECIALTY

*(a) Prescribing psychologist specialty. A psychologist-doctorate may apply to the Board for a prescribing psychologist specialty. The application shall be made in a manner approved by the Board and include the payment of any required fees.*

*(b) Specialty by examination. A psychologist-doctorate shall be eligible for the prescribing specialty if the psychologist-doctorate:*

(1) holds a current license to practice psychology at the doctoral level in the State;

(2) has successfully completed a postdoctoral training program in psychopharmacology designated by the American Psychological Association or its successor;

(3) has completed clinical rotations over a total of not less than 14 months in not less than nine practice settings, to include psychiatry, pediatrics, geriatrics, family medicine, internal medicine, emergency medicine, obstetrics and gynecology, surgery, and one elective;

(4) has completed a national certifying exam, as determined by rule; and

(5) meets all other requirements for obtaining a prescribing psychologist specialty, as determined by rule.

(c) Criteria for prescribing medication.

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

(2) The issuance of prescriptive authority by a collaborating practitioner to a prescribing psychologist shall only include prescription drugs for the treatment of mental health conditions that the collaborating practitioner generally provides to patients in the normal course of practice.

(3) The collaborating practitioner shall file the collaborative agreement with the Board and notice of any termination of the agreement.

(4) Issuance of prescribing authority for Schedule II through V controlled substances shall identify the specific controlled substance by brand name or generic name. Prescription or administration of a controlled substance by injection shall not be allowed.

(d) Specialty by endorsement. The Director of the Board may, upon payment of the any required fee, grant a prescribing specialty without examination if:

(1) the applicant holds active psychologist prescribing authority in another U.S. or Canadian jurisdiction; and

(2) the requirements for psychologist prescribing authority in that jurisdiction are, in the judgement of the Director, substantially equivalent to the requirements of this section.

**Sec. 4. EFFECTIVE DATES**

(a) This section and Sec. 2 (power and duties of the Board) shall take effect on July 1, 2025.

(b) All remaining sections shall take effect on July 1, 2026.