

House Bill 717

By: Representatives Orrock of the 51<sup>st</sup>, Stephenson of the 60<sup>th</sup>, Post 1, Smith of the 129<sup>th</sup>,  
Post 2 and Burmeister of the 96<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 controlled substances, Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
3 relating to pharmacists, Article 8 of Chapter 7 of Title 31 of the Official Code of Georgia  
4 Annotated, relating to health service provider psychologists, and Chapter 39 of Title 43 of  
5 the Official Code of Georgia Annotated, relating to psychologists, so as to authorize certain  
6 psychologists to prescribe drugs in certain circumstances; to provide that psychologists  
7 certified to prescribe drugs are exempt from criminal law as are other medical professionals  
8 licensed to prescribe; to exempt from liability pharmacists and nurses acting in good faith  
9 upon the orders of a psychologist certified to prescribe; to provide for prescriptions by  
10 psychologists certified to prescribe who are health service provider psychologists; to provide  
11 that the practice of psychology includes administering, ordering, and prescribing drugs in  
12 certain circumstances; to limit such prescriptions to those for mental or nervous disorders or  
13 illnesses; to provide for the adoption of rules for certification; to provide for training and an  
14 examination; to provide for consultation with the patient's treating physician; to provide for  
15 the creation of a psychopharmacological formulary; to provide for related matters; to provide  
16 an effective date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled  
20 substances, is amended in Code Section 16-13-21, relating to definitions, by striking in its  
21 entirety paragraph (23) and inserting in its place the following:

22 "(23) 'Practitioner' means:

23 (A) A physician, dentist, pharmacist, podiatrist, veterinarian, psychologist certified to  
24 prescribe as defined in paragraph (4) of Code Section 43-39-1, scientific investigator,  
25 or other person licensed, registered, or otherwise authorized under the laws of this state  
26 to distribute, dispense, conduct research with respect to, or to administer a controlled  
27 substance in the course of professional practice or research in this state;

1 (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise  
 2 authorized by law to distribute, dispense, conduct research with respect to, or to  
 3 administer a controlled substance in the course of professional practice or research in  
 4 this state; or

5 (C) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code  
 6 Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section  
 7 43-34-103 and notwithstanding the provisions of subsection (g) of Code Section  
 8 43-34-26.1, a physician's assistant is authorized to register with the federal Drug  
 9 Enforcement Administration and appropriate state authorities."

## 10 SECTION 2.

11 Said chapter is further amended in Article 3, relating to dangerous drugs, by striking Code  
 12 Section 16-13-77, relating to the article's applicability to practitioners of the healing arts, and  
 13 inserting in its place a new Code section to read as follows:

14 "16-13-77.

15 Nothing in this article shall be construed to prohibit the administration of dangerous drugs  
 16 by or under the direction of a practitioner of the healing arts. For purposes of this article,  
 17 the terms 'practitioner' and 'practitioner of the healing arts' mean a practitioner as defined  
 18 in Code Section 16-13-21."

## 19 SECTION 3.

20 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists, is  
 21 amended by striking in its entirety paragraph (33) of Code Section 26-4-5, relating to  
 22 definitions, and inserting in its place a new paragraph (33) and by adding a new paragraph  
 23 to be designated paragraph (37.1), so that the two paragraphs as amended read as follows:

24 "(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist,  
 25 podiatrist, ~~or~~ veterinarian, or psychologist certified to prescribe and shall include any  
 26 other person licensed under the laws of this state to use, mix, prepare, dispense, prescribe,  
 27 and administer drugs in connection with medical treatment to the extent provided by the  
 28 laws of this state."

29 "(37.1) 'Psychologist certified to prescribe' means an individual who is certified by the  
 30 State Board of Examiners of Psychologists to administer, order, and prescribe drugs for  
 31 the diagnosis, care, and treatment of mental or nervous disorders or illnesses, including  
 32 the ordering and review of laboratory tests in conjunction with the prescription, as  
 33 provided in Code Sections 43-39-5.1 and 43-39-21."



1 treating mental and nervous disorders and illnesses, rendering opinions concerning  
 2 diagnoses of mental disorders, including organic brain disorders and brain damage,  
 3 engaging in neuropsychology, engaging in psychotherapy, interviewing, administering,  
 4 and interpreting tests of mental abilities, aptitudes, interests, and personality  
 5 characteristics for such purposes as psychological classification or evaluation, or for  
 6 education or vocational placement, or for such purposes as psychological counseling,  
 7 guidance, or readjustment. ~~Nothing in this paragraph shall be construed as permitting the~~  
 8 ~~administration or prescription of drugs or in any way infringing upon the practice of~~  
 9 ~~medicine as defined in the laws of this state.~~ The practice of psychology shall include the  
 10 administering, ordering, and prescribing of drugs by a psychologist certified to prescribe  
 11 for the diagnosis, care, and treatment of mental or nervous disorders or illnesses.

12 (4) 'Psychologist certified to prescribe' means a licensed psychologist who meets the  
 13 criteria of training and experience as provided in Code Section 43-39-5.1 and is certified  
 14 by the board to administer, order, and prescribe drugs, including the ordering and review  
 15 of laboratory tests in conjunction with the prescription, as authorized by the board  
 16 pursuant to Code Sections 43-39-5.1 and 43-39-21."

#### 17 SECTION 7.

18 Said chapter is further amended by inserting new Code sections to be designated Code  
 19 Sections 43-39-5.1, 43-39-21, and 43-39-22 to read as follows:

20 "43-39-5.1.

21 The board shall adopt rules for the certification of psychologists to administer, order, and  
 22 prescribe drugs for the diagnosis, care, and treatment of mental and nervous disorders and  
 23 illnesses. The rules shall include at least the following requirements:

24 (1) The successful completion of 320 hours of postdoctoral pharmacological training  
 25 from an institution of higher education approved by the board;

26 (2) Three hundred hours of supervised clinical experience in psychopharmacology  
 27 treating at least 100 patients. The supervised clinical experience shall be approved by the  
 28 board; and

29 (3) Passage of the Psychopharmacology Examination for Psychologists or a similar  
 30 certification examination in psychopharmacology approved by the board."

31 "43-39-21.

32 (a) The board, in consultation with the Composite State Board of Medical Examiners and  
 33 the State Board of Pharmacy, shall develop a drug formulary for the diagnosis, care, and  
 34 treatment of mental and nervous disorders by psychologists certified to prescribe.  
 35 Psychologists certified to prescribe may only prescribe from the approved drug formulary.

1 The board shall, on at least an annual basis, update the formulary to add new medications  
2 and to remove those that are no longer appropriate.

3 (b) The board shall adopt rules providing that a psychologist certified to prescribe shall  
4 consult with the patient's treating physician.

5 43-39-22.

6 Notwithstanding any other provision of law, a registered professional nurse and a licensed  
7 practical nurse shall have the authority to execute an order for the administration of drugs  
8 issued by a psychologist certified to prescribe, provided that a registered professional nurse  
9 or licensed practical nurse may confer with the psychologist certified to prescribe prior to  
10 executing the psychologist's order. Nothing contained in this Code section shall be deemed  
11 to alter the standard of care of the registered professional nurse or the licensed practical  
12 nurse applicable to the evaluation and execution of orders, including an order of a  
13 psychologist certified to prescribe."

14 **SECTION 8.**

15 This Act shall become effective on January 1, 2004.

16 **SECTION 9.**

17 All laws and parts of laws in conflict with this Act are repealed.