

House Bill 923

By: Representatives Cox of the 102nd, Warren of the 122nd, and Kidd of the 115th

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

1 to distribute, dispense, conduct research with respect to, or to administer a controlled
2 substance in the course of professional practice or research in this state;

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

7 (C) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code
8 Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section
9 43-34-103 and notwithstanding the provisions of subsection (g) of Code Section
10 43-34-26.1, a physician's assistant is authorized to register with the federal Drug
11 Enforcement Administration and appropriate state authorities."

12 SECTION 2.

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

16 "16-13-77.

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

21 SECTION 3.

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

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

31 "(37.1) 'Psychologist certified to prescribe' means an individual who is certified by the
32 State Board of Examiners of Psychologists to administer, order, and prescribe drugs for
33 the diagnosis, care, and treatment of mental or nervous disorders or illnesses, including
34 the ordering and review of laboratory tests in conjunction with the prescription, as
35 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~~ The practice of
 9 ~~medicine as defined in the laws of this state~~ psychology shall include the administering,
 10 ordering, and prescribing of drugs by a psychologist certified to prescribe for the
 11 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 for certification:

24 (a) The successful completion of 320 hours of post-doctoral pharmacological training from
 25 an institution of higher education approved by the board;

26 (b) Three hundred hours of supervised clinical experience in psychopharmacology treating
 27 at least 100 patients. The supervised clinical experience shall be approved by the board,
 28 and the supervisor(s) shall be approved in advance by the board. The supervisor shall be
 29 a licensed, appropriately trained physician or psychologist certified to prescribe. The
 30 supervisor shall maintain responsibility for the psychopharmacological care provided to the
 31 patient during the supervised clinical experience. The supervised clinical experience shall
 32 conform to standards adopted by the board, which shall include the following:

33 (1) The clinical experience shall last for at least 12 but no more than 36 months;

34 (2) The supervisor shall approve the patient's diagnostic intake and treatment plan
 35 developed by the supervisee, including recommended laboratory tests and prescriptions;

1 (3) The supervisor will personally meet with each patient prior to the implementation of
2 the treatment plan;

3 (4) The supervisor shall submit quarterly reports to the board and the supervisee on a
4 form approved by the board assessing the supervisee's skill, safety, and efficiency in
5 clinical psychopharmacology; and

6 (5) Upon completion of the clinical experience, the supervisor shall submit to the board
7 and the supervisee a report on a form approved by the board certifying completion of the
8 clinical experience and assessing the supervisee's ability to independently prescribe; and

9 (c) Following successful completion of the supervised clinical experience, passage of the
10 Psychopharmacology Examination for Psychologists or a similar certification examination
11 in psychopharmacology approved by the board."

12 "43-39-21.

13 (a) The board, in consultation with the Composite Board of Medical Examiners and the
14 State Board of Pharmacy, shall develop a drug formulary for the diagnosis, care, and
15 treatment of mental and nervous disorders by psychologists certified to prescribe.
16 Psychologists certified to prescribe may prescribe only from the approved drug formulary.
17 The board shall, on at least an annual basis, update the formulary to add new medications
18 and to remove those that are no longer appropriate.

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

21 43-39-22.

22 Notwithstanding any other provision of law, a registered professional nurse and a licensed
23 practical nurse shall have the authority to execute an order for the administration of drugs
24 issued by a psychologist certified to prescribe, provided that a registered professional nurse
25 or licensed practical nurse may confer with the psychologist certified to prescribe prior to
26 executing the psychologist's order. Nothing contained in this Code section shall be deemed
27 to alter the standard of care of the registered professional nurse or the licensed practical
28 nurse applicable to the evaluation and execution of orders, including an order of a
29 psychologist certified to prescribe."

30 SECTION 8.

31 This Act shall become effective on January 1, 2006.

32 SECTION 9.

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