

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2385**

BY DELEGATE ATKINSON

[Introduced January 14, 2019; Referred  
to the Committee on Health and Human Resources  
then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §30-3-19, relating to providing limited prescriptive authority to a licensed  
 3 psychologist who meets certain criteria.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

**§30-3-19. Doctorate of Psychology with limited prescriptive authority with collaborative relationship.**

1 (a) As used in this section:

2 “Board” means the Board of Medicine.

3 “Collaborative relationship” means a working relationship, structured through a written  
 4 agreement, in which a psychologist approved under this section may prescribe drugs in  
 5 collaboration with a qualified physician.

6 (b) An individual with a Doctorate of Psychology may be granted limited prescriptive  
 7 authority as provided in this section. An applicant for a conditional prescription certificate shall  
 8 submit a completed application on the form provided by the board. The applicant is responsible  
 9 to ensure that the application is complete and that all application fees are paid.

10 (c) The applicant shall submit the following:

11 (1) A copy of the degree, certificate, or certification of completion of a post-doctoral  
 12 psychopharmacology training program;

13 (2) Certification by the supervising physician and program training director of successful  
 14 completion of the 80-hour practicum in clinical assessment and pathophysiology;

15 (3) Certification by the primary supervising physician and the program-training director of  
 16 successful completion of the general 400-hour practicum treating a minimum of 100 patients with  
 17 mental disorders;

18 (4) Evidence of passing the psychopharmacology examination for psychologists;

19 (5) A proposed supervisory plan; on a form provided by the board that is signed by the

20 psychologist and the supervising physician;

21 (6) Evidence of proof of insurance or insurance; and

22 (7) A nonrefundable application fee.

23 (d) A collaborative agreement shall be set forth in writing and include, but is not limited to,

24 the following:

25 (1) Mutually agreed upon written guidelines or protocols for prescriptive authority;

26 (2) Statements describing the individual and shared responsibilities of the licensed

27 prescribing psychologist and the collaborating physician;

28 (3) Periodic and joint evaluation of prescriptive practice; and

29 (4) Periodic joint review and updating of the written guidelines or protocols.

30 (e) A written delegation of prescriptive authority by a collaborating physician may only

31 include medications for the treatment of mental health disease or illness the collaborating

32 physician generally provides to his or her patients in the normal course of his or her clinical

33 practice with the exception of the following:

34 (1) Patients who are less than 17 years of age or over 65 years of age;

35 (2) Patients during pregnancy;

36 (3) Patients with serious medical conditions, such as heart disease, cancer, stroke, or

37 seizures, and with developmental disabilities and intellectual disabilities;

38 (4) No controlled substance to be delivered by injection may be delegated and no

39 Schedule II controlled substance may be delegated;

40 (5) No prescription narcotic drugs; and

41 (6) No prescriptive authority for benzodiazepine or buprenorphine;

42 (f) The collaborating physician shall file with the board a notice of delegation of prescriptive

43 authority and termination of the delegation.

44 (g) The written collaborative agreement shall describe the working relationship of the

45 prescribing psychologist with the collaborating physician and shall delegate prescriptive authority

46 as provided in this section. Collaboration does not require an employment relationship between  
47 the collaborating physician and prescribing psychologist. Absent an employment relationship, an  
48 agreement may not restrict third-party payment sources accepted by the prescribing psychologist.

49 (h) In addition to the other requirements of this article, a psychologist licensed under this  
50 section is subject to discipline for:

51 (1) Prescribing, selling, administering, distributing, giving, or self-administering any drug  
52 classified as a controlled substance for other than medically accepted therapeutic purposes or  
53 any narcotic drug;

54 (2) Violating state or federal laws or regulations relating to controlled substances;

55 (3) Exceeding the terms of a collaborative agreement or the prescriptive authority  
56 delegated to a licensee by his or her collaborating physician or established under a written  
57 collaborative agreement; and

58 (4) Entering into an excessive number of written collaborative agreements with licensed  
59 prescribing psychologists resulting in an inability to adequately collaborate.

60 (i) The board shall transmit to the Board of Pharmacy a list of all psychologists with  
61 prescriptive authority. The list shall include:

62 (1) The name of the authorized psychologist;

63 (2) The effective date of prescriptive authority; and

64 (3) The prescriber's identification number assigned by the board.

65 (j) Verification of a collaborative agreement shall be filed with both boards.

NOTE: The purpose of this bill is to provide a procedure for giving limited prescriptive authority to a licensed psychologist who meets certain criteria.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.