

*Hon Brad Moran*

House BILL NO. 481

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INTRODUCED BY *Kath* *Hollings* *Chen* *Maen Beck*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING PSYCHOLOGISTS; REVISING THE DEFINITION OF THE PRACTICE OF PSYCHOLOGY TO INCLUDE THE PRESCRIPTION AND ADMINISTRATION OF PSYCHOTROPIC DRUGS; SETTING CERTAIN STANDARDS FOR PSYCHOLOGISTS; ADDING PSYCHOLOGIST TO THE LIST OF PROFESSIONALS WHOM NURSES MAY ASSIST; AND AMENDING SECTIONS 37-8-102, 37-17-102, AND 37-17-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-8-102, MCA, is amended to read:

**"37-8-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Advanced practice registered nurse" means a registered professional nurse who has completed educational requirements related to the nurse's specific practice role, in addition to basic nursing education, as specified by the board pursuant to 37-8-202(5)(a).

(2) "Board" means the board of nursing provided for in 2-15-1844.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) "Nursing education program" means any board-approved school that prepares graduates for initial licensure under this chapter. Nursing education programs for:

(a) professional nursing may be a department, school, division, or other administrative unit in a senior or junior college or university;

(b) practical nursing may be a department, school, division, or other administrative unit in a vocational-technical ~~center~~ program or junior college.

(5) "Practice of nursing" embraces two classes of nursing service and activity, as follows:

(a) "Practice of practical nursing" means the performance for compensation of services requiring basic knowledge of the biological, physical, behavioral, psychological, and sociological sciences and of nursing procedures. Practical nursing practice ~~utilizes~~ uses standardized procedures in the observation and care of the ill, injured, and infirm; in the maintenance of health; in action to safeguard life and health; and

1 in the administration of medications and treatments prescribed by a physician, advanced practice registered  
2 nurse, dentist, osteopath, or podiatrist authorized by state law to prescribe medications and treatments.  
3 These services are performed under the supervision of a registered nurse or a physician, dentist, osteopath,  
4 or podiatrist authorized by state law to prescribe medications and treatments.

5 (b) "Practice of professional nursing" means the performance for compensation of services requiring  
6 substantial specialized knowledge of the biological, physical, behavioral, psychological, and sociological  
7 sciences and of nursing theory as a basis for the nursing process. The nursing process is the assessment,  
8 nursing analysis, planning, nursing intervention, and evaluation in the promotion and maintenance of health;  
9 the prevention, casefinding, and management of illness, injury, or infirmity; and the restoration of optimum  
10 function. The term also includes administration, teaching, counseling, supervision, delegation, and  
11 evaluation of nursing practice and the administration of medications and treatments prescribed by  
12 physicians, psychologists, advanced practice registered nurses, dentists, osteopaths, or podiatrists  
13 authorized by state law to prescribe medications and treatments. Each registered nurse is directly  
14 accountable and responsible to the consumer for the quality of nursing care rendered. As used in this  
15 subsection (5)(b):

16 (i) "nursing analysis" is the identification of those client problems for which nursing care is  
17 indicated and may include referral to medical or community resources;

18 (ii) "nursing intervention" is the implementation of a plan of nursing care necessary to accomplish  
19 defined goals."  
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21 **Section 2.** Section 37-17-102, MCA, is amended to read:

22 **"37-17-102. Definitions.** Unless the context requires otherwise, in this chapter, the following  
23 definitions apply:

24 (1) "Accredited college or university" means a college or university accredited by the regional  
25 accrediting association for institutions of higher learning, such as the northwest association of secondary  
26 and higher schools.

27 (2) "Board" means the board of psychologists provided for in 2-15-1851.

28 (3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

29 (4) (a) "Practice of psychology" means the observation, description, interpretation, and modification  
30 of human behavior by the application of psychological principles, methods, and procedures for the purpose

1 of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work  
2 and life adjustment, personal effectiveness, and mental health.

3 (b) The practice of psychology includes but is not limited to psychological testing and evaluation  
4 or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes,  
5 and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback,  
6 and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders or disabilities,  
7 chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury,  
8 or disability; and psychoeducational evaluation, therapy, remediation, and consultation. The practice of  
9 psychology also includes the prescription and administration of psychotropic drugs within the scope of  
10 practice of the profession and, in accordance with 37-2-101, as a medical practitioner.

11 (5) A person ~~represents himself~~ purports to be a "psychologist" when ~~he holds himself out to the~~  
12 ~~public by the person uses in public~~ a title or description of services incorporating the words "psychologist",  
13 "psychological", "psychologic", or "psychology" and offers to render or renders psychological services  
14 defined in subsection (4) to individuals, groups, corporations, or the public, whether or not ~~he~~ the person  
15 does so for compensation or fee.

16 (6) "Psychotropic drugs" means lawful mind-altering medications typically used in the treatment of  
17 mental health problems."

18  
19 **Section 3.** Section 37-17-103, MCA, is amended to read:

20 **"37-17-103. Limitation of license authority -- exception.** (1) ~~Nothing in this~~ This chapter shall ~~may~~  
21 ~~not~~ be construed as permitting psychologists to prescribe drugs except as provided in subsection (2),  
22 perform surgery, or administer electroconvulsive therapy.

23 (2) A psychologist who prescribes and administers psychotropic drugs is required to meet the  
24 standards for training established by the board, which must include at a minimum:

25 (a) 120 hours of instruction in psychopharmacology, including side effects and drug interactions,  
26 and related sciences in a program or course of study approved by the board;

27 (b) successful competency demonstrated in an examination either administered or approved by the  
28 board;

29 (c) successful completion of a 1-year period of supervised preceptorship either administered or  
30 approved by the board; and

1 (d) completion of continuing education coursework in psychopharmacology and related sciences  
2 for annual licensure as required by the board.

3 (3) In establishing the fulfillment of any of the criteria in subsection (2), the board may accept the  
4 certification of a national accrediting psychological organization."

5 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0481, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws governing psychologists; revising the definition of the practice of psychology to include the prescription and administration of psychotropic drugs; setting certain standards for psychologists; adding psychologist to the list of professionals whom nurses may assist.

ASSUMPTIONS:

1. Research on the national level reveals no guidelines established in the areas of testing and appropriate training for psychologists using psychotropic drugs. Montana will be the first state in which psychologists have prescriptive authority.
2. The Board of Psychologists must ensure the health, welfare, and safety of the public in the area of psychotropic drug use which has potentially life threatening consequences. Key elements will include review and approval of courses, monitoring of preceptorships, administering a competency examination, monitoring continued competency through required continuing education and investigating consumer complaints.
3. The board will contract for professional consulting services to research and advise on the adequacy of a program/course of study and one year supervised preceptorship for the use of psychotropic drugs, and identify and/or develop a competency examination. To support these activities \$45,000 is being requested in each year of the biennium.
4. Additional operating expenses of \$1,000 in FY97 will be needed to cover other costs associated with the psychotropic drug administering program.
5. There are 200 licensed psychologists in Montana. It is expected that 100 will apply in FY97 to participate in the psychotropic drug administering program. Twenty new licenses will be granted in FY97, and it is anticipated that all will participate in the program.
6. Those wishing to participate in the program will pay an application and examination fee of \$450.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	45,000	46,000
 <u>Funding:</u>		
Psychologists SSR (02)	45,000	46,000
 <u>Revenue:</u>		
Application/Examination Fee	0	54,000

*Dave Lewis 2-18-95*  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

DEB KOTTEL, PRIMARY SPONSOR      DATE

Fiscal Note for HB0481, as introduced  
**HB481**