

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0051.01 Kristen Forrestal x4217

HOUSE BILL 23-1071

HOUSE SPONSORSHIP

Amabile and Bradfield,

SENATE SPONSORSHIP

Simpson and Fenberg,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A LICENSED PSYCHOLOGIST TO**
102 **PRESCRIBE PSYCHOTROPIC MEDICATION FOR THE TREATMENT**
103 **OF MENTAL HEALTH DISORDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adds 2 members to the state board of psychologist examiners (board) and requires 2 of the 9 members of the board to be prescribing psychologists.

The bill allows a licensed psychologist to prescribe and administer psychotropic medications if the licensed psychologist holds a conditional

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

prescription certificate or a prescription certificate issued by the board.

A licensed psychologist may apply to the board for a conditional prescription certificate and must include in the application satisfactory evidence that the applicant has met specific educational, supervisory, and clinical requirements. The board is required to issue a conditional prescription certificate to the licensed psychologist if the board determines the applicant has met the requirements. The licensed psychologist with a conditional prescription certificate may only administer and prescribe psychotropic medications under the supervision of a licensed physician or advanced practice registered nurse and must maintain a collaborative relationship with the patient's health-care provider.

A licensed psychologist who holds a conditional prescription certificate for 2 years and who meets the specified requirements may apply for and receive a prescription certificate (prescribing psychologist). A licensed psychologist with a prescription certificate may prescribe psychotropic medication to a person if the licensed psychologist:

- Holds a current license in good standing;
- Maintains the required malpractice insurance; and
- Annually completes at least 20 hours of continuing education.

The board is authorized to promulgate rules to:

- Implement procedures for obtaining a conditional prescription certificate and a prescription certificate; and
- Establish grounds for denial, suspension, and revocation of the certificates.

The bill requires a prescribing psychologist and a licensed psychologist with a conditional prescription certificate to file with the board all individual federal drug enforcement administration registrations and numbers. The board and the Colorado medical board are required to maintain current records of every psychologist with prescriptive authority, including registrations and numbers.

The department of regulatory agencies (department) is required to annually collect information regarding prescribing psychologists and licensed psychologists with conditional prescription certificates, to compile the information, and to share the information with the office in the department responsible for conducting sunset reviews for inclusion in each scheduled sunset review concerning the regulation of mental health professionals.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-245-301, **amend**

1 (4), (5), and (6); and **add** (7), (8), (9), (10), (11), (12), and (13) as
2 follows:

3 **12-245-301. Definitions.** As used in this part 3, unless the context
4 otherwise requires:

5 (4) ~~"Licensed psychologist" means a person licensed under this~~
6 ~~part 3~~ "CONDITIONAL PRESCRIPTION CERTIFICATE" MEANS A DOCUMENT
7 ISSUED BY THE BOARD TO A LICENSED PSYCHOLOGIST THAT PERMITS THE
8 LICENSED PSYCHOLOGIST TO PRESCRIBE PSYCHOTROPIC MEDICATION
9 UNDER THE SUPERVISION OF A SUPERVISING CLINICIAN PURSUANT TO THIS
10 PART 3.

11 (5) ~~"Professional psychological training program" means a~~
12 ~~doctoral training program that:~~

13 (a) ~~Is a planned program of study that reflects an integration of the~~
14 ~~science and practice of psychology; and~~

15 (b) ~~For applicants receiving their terminal degrees after 1990, is~~
16 ~~designated as a doctoral program in psychology by the Association of~~
17 ~~State and Provincial Psychology Boards or the National Register of~~
18 ~~Health Service Psychologists, or is accredited by the American~~
19 ~~Psychological Association or Canadian Psychological Association~~

20 "INDEPENDENTLY LICENSED PRESCRIBING CLINICIAN" MEANS A PHYSICIAN
21 LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12 OR AN ADVANCED
22 PRACTICE REGISTERED NURSE AS DEFINED IN SECTION 12-255-104(1) WHO
23 SUPERVISES LICENSED PSYCHOLOGISTS PARTICIPATING IN PRACTICUMS
24 DESCRIBED IN SECTION 12-245-309 (2)(a)(IV).

25 (6) ~~"Telepsychology" means the provision of psychological~~
26 ~~services using telecommunications technologies~~ "LICENSED
27 PSYCHOLOGIST" MEANS A PERSON LICENSED UNDER THIS PART 3.

1 (7) "NARCOTIC DRUG" HAS THE SAME MEANING AS SET FORTH IN
2 SECTION 18-18-102 (20).

3 (8) "PRESCRIBING PSYCHOLOGIST" MEANS A LICENSED
4 PSYCHOLOGIST WHO HOLDS A PRESCRIPTION CERTIFICATE.

5 (9) "PRESCRIPTION CERTIFICATE" MEANS A DOCUMENT ISSUED BY
6 THE BOARD TO A LICENSED PSYCHOLOGIST THAT PERMITS THE LICENSED
7 PSYCHOLOGIST TO PRESCRIBE PSYCHOTROPIC MEDICATIONS PURSUANT TO
8 THIS PART 3.

9 (10) "PROFESSIONAL PSYCHOLOGICAL TRAINING PROGRAM" MEANS
10 A DOCTORAL TRAINING PROGRAM THAT:

11 (a) IS A PLANNED PROGRAM OF STUDY THAT REFLECTS AN
12 INTEGRATION OF THE SCIENCE AND PRACTICE OF PSYCHOLOGY; AND

13 (b) FOR APPLICANTS RECEIVING THEIR TERMINAL DEGREES AFTER
14 1990, IS DESIGNATED AS A DOCTORAL PROGRAM IN PSYCHOLOGY BY THE
15 ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS OR THE
16 NATIONAL REGISTER OF HEALTH SERVICE PSYCHOLOGISTS OR IS
17 ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR
18 CANADIAN PSYCHOLOGICAL ASSOCIATION.

19 (11) (a) "PSYCHOTROPIC MEDICATION" MEANS A CONTROLLED
20 SUBSTANCE OR DANGEROUS DRUG:

21 (I) THAT MAY NOT BE DISPENSED OR ADMINISTERED WITHOUT A
22 PRESCRIPTION;

23 (II) FOR WHICH THE PRIMARY INDICATION FOR USE IS APPROVED BY
24 THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF
25 MENTAL HEALTH DISORDERS; AND

26 (III) THAT IS LISTED AS A PSYCHOTHERAPEUTIC AGENT IN THE
27 MOST RECENT EDITION OF "DRUG FACTS AND COMPARISONS" OR IN THE

1 AMERICAN HOSPITAL FORMULARY SERVICE DRUG INFORMATION
2 COMPENDIUM.

3 (b) "PSYCHOTROPIC MEDICATION" DOES NOT INCLUDE A NARCOTIC
4 DRUG.

5 (12) "SUPERVISING CLINICIAN" MEANS A PHYSICIAN LICENSED
6 PURSUANT TO ARTICLE 240 OF THIS TITLE 12 OR AN ADVANCED PRACTICED
7 REGISTERED NURSE AS DEFINED IN SECTION 12-255-104 (1) WHO
8 SUPERVISES LICENSED PSYCHOLOGISTS WITH A CONDITIONAL
9 PRESCRIPTION CERTIFICATE PURSUANT TO SECTION 12-245-309 (2)(c).

10 (13) "TELEPSYCHOLOGY" MEANS THE PROVISION OF
11 PSYCHOLOGICAL SERVICES USING TELECOMMUNICATIONS TECHNOLOGIES.

12 **SECTION 2.** In Colorado Revised Statutes, 12-245-302, **amend**
13 (2) introductory portion and (2)(a) as follows:

14 **12-245-302. State board of psychologist examiners - created**
15 **- members - terms.** (2) The board consists of ~~seven~~ NINE members who
16 are residents of the state of Colorado as follows:

17 (a) ~~Four~~ SIX board members must be licensed psychologists, at
18 least two of whom shall be engaged in the direct practice of psychology
19 AND TWO OF WHOM ARE PRESCRIBING PSYCHOLOGISTS; except that, if,
20 after a good-faith attempt, the governor determines that an applicant for
21 membership on the board pursuant to this subsection (2)(a) who is
22 engaged in the direct practice of psychology OR WHO IS A PRESCRIBING
23 PSYCHOLOGIST is not available to serve on the board for a particular term,
24 the governor may appoint a licensed psychologist who is not engaged in
25 the direct practice of psychology OR WHO IS NOT A PRESCRIBING
26 PSYCHOLOGIST.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 12-245-309 as

1 follows:

2 **12-245-309. Prescription authority - psychotropic drugs -**
3 **prescription certificates - requirements - issuance, denial, renewal,**
4 **and revocation of certification - rules. (1) Prescribing and**
5 **administering psychotropic medications. (a) A LICENSED**
6 PSYCHOLOGIST MAY ONLY ADMINISTER OR PRESCRIBE PSYCHOTROPIC
7 MEDICATION TO A PERSON PURSUANT TO THE REQUIREMENTS AND
8 LIMITATIONS SET FORTH IN THIS SECTION.

9 (b) A LICENSED PSYCHOLOGIST MUST HOLD A CONDITIONAL
10 PRESCRIPTION CERTIFICATE OR A PRESCRIPTION CERTIFICATE IN ORDER TO
11 PRESCRIBE OR ADMINISTER PSYCHOTROPIC MEDICATION.

12 (2) **Conditional prescription certificate. (a) A LICENSED**
13 PSYCHOLOGIST MAY APPLY TO THE BOARD FOR A CONDITIONAL
14 PRESCRIPTION CERTIFICATE IN THE FORM AND MANNER APPROVED BY THE
15 BOARD. THE APPLICANT MUST INCLUDE SATISFACTORY EVIDENCE THAT
16 THE APPLICANT:

17 (I) HAS COMPLETED A DOCTORAL PROGRAM IN PSYCHOLOGY FROM
18 AN ACCREDITED INSTITUTION OF HIGHER EDUCATION OR PROFESSIONAL
19 SCHOOL OR FROM A DOCTORAL PROGRAM THAT WAS NOT ACCREDITED AT
20 THE TIME OF THE APPLICANT'S GRADUATION BUT MEETS THE
21 PROFESSIONAL STANDARDS APPROVED BY THE BOARD;

22 (II) HAS SUCCESSFULLY COMPLETED A MASTER OF SCIENCE IN A
23 CLINICAL PSYCHOPHARMACOLOGY PROGRAM THAT IS DESIGNATED BY THE
24 AMERICAN PSYCHOLOGICAL ASSOCIATION OR APPROVED BY THE BOARD
25 AND THE COLORADO MEDICAL BOARD AND THAT CONSISTS OF DIDACTIC
26 INSTRUCTION OF AT LEAST FOUR HUNDRED FIFTY CLASSROOM HOURS IN AT
27 LEAST THE FOLLOWING CORE AREAS OF INSTRUCTION:

- 1 (A) NEUROSCIENCE;
- 2 (B) PHARMACOLOGY;
- 3 (C) PSYCHOPHARMACOLOGY;
- 4 (D) PHYSIOLOGY;
- 5 (E) PATHOPHYSIOLOGY;
- 6 (F) APPROPRIATE AND RELEVANT PHYSICAL AND LABORATORY
- 7 ASSESSMENT; AND
- 8 (G) CLINICAL PHARMACOTHERAPEUTICS;
- 9 (III) HAS PASSED THE PSYCHOPHARMACOLOGY EXAMINATION FOR
- 10 PSYCHOLOGISTS DEVELOPED BY THE ASSOCIATION OF STATE AND
- 11 PROVINCIAL PSYCHOLOGY BOARDS, OR ITS SUCCESSOR ORGANIZATION;
- 12 (IV) HAS BEEN CERTIFIED BY EACH OF THE APPLICANT'S
- 13 INDEPENDENTLY LICENSED PRESCRIBING CLINICIANS AS HAVING
- 14 SUCCESSFULLY COMPLETED, IN NOT LESS THAN ONE YEAR BUT NO MORE
- 15 THAN TWO YEARS, A SUPERVISED AND RELEVANT CLINICAL EXPERIENCE
- 16 APPROVED BY THE BOARD AND THE COLORADO MEDICAL BOARD THAT
- 17 CONSISTS OF:
- 18 (A) AT LEAST AN EIGHTY-HOUR PRACTICUM IN OBSERVATIONAL
- 19 CLINICAL ASSESSMENT AND PATHOPHYSIOLOGY UNDER THE SUPERVISION
- 20 OF AN INDEPENDENTLY LICENSED PRESCRIBING CLINICIAN; AND
- 21 (B) A ONE-TO-ONE SUPERVISED PRACTICUM, EITHER
- 22 FACE-TO-FACE, TELEPHONICALLY, OR BY VIDEO CONFERENCE, OF AT LEAST
- 23 FOUR HUNDRED HOURS TREATING AT LEAST ONE HUNDRED CLIENTS WITH
- 24 MENTAL HEALTH DISORDERS UNDER THE SUPERVISION OF ANY ONE OR A
- 25 COMBINATION OF APPROPRIATELY TRAINED INDEPENDENTLY LICENSED
- 26 PRESCRIBING CLINICIANS WHO HAVE BEEN DETERMINED BY THE BOARD
- 27 AND THE COLORADO MEDICAL BOARD AS COMPETENT TO TRAIN THE

1 APPLICANT IN THE TREATMENT OF A DIVERSE CLIENT POPULATION;
2 (V) MAINTAINS COMMERCIAL PROFESSIONAL LIABILITY
3 INSURANCE WITH AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE
4 OR AN ELIGIBLE NONADMITTED INSURER AUTHORIZED TO PROVIDE
5 INSURANCE PURSUANT TO ARTICLE 5 OF TITLE 10 IN A MINIMUM
6 INDEMNITY AMOUNT OF ONE MILLION DOLLARS PER INCIDENT AND THREE
7 MILLION DOLLARS ANNUAL AGGREGATE PER YEAR; AND

8 (VI) MEETS ALL OTHER REQUIREMENTS AS DETERMINED BY THE
9 BOARD.

10 (b) THE BOARD SHALL ISSUE A CONDITIONAL PRESCRIPTION
11 CERTIFICATE TO AN APPLICANT WHO THE BOARD DETERMINES HAS MET
12 THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION. THE
13 CONDITIONAL PRESCRIPTION CERTIFICATE IS VALID FOR A PERIOD OF TWO
14 YEARS, AT THE END OF WHICH PERIOD THE CONDITIONAL PRESCRIPTION
15 CERTIFICATE HOLDER MAY APPLY FOR RENEWAL OF THE CONDITIONAL
16 PRESCRIPTION CERTIFICATE PURSUANT TO THIS SUBSECTION (2) OR FOR A
17 PRESCRIPTION CERTIFICATE PURSUANT TO SUBSECTION (3) OF THIS
18 SECTION.

19 (c) (I) A LICENSED PSYCHOLOGIST WITH A CONDITIONAL
20 PRESCRIPTION CERTIFICATE MAY PRESCRIBE AND ADMINISTER
21 PSYCHOTROPIC MEDICATION UNDER THE SUPERVISION OF A SUPERVISING
22 CLINICIAN UNDER THE FOLLOWING CONDITIONS:

23 (A) THE LICENSED PSYCHOLOGIST HOLDS A CURRENT LICENSE IN
24 GOOD STANDING TO PRACTICE PSYCHOLOGY IN THIS STATE;

25 (B) THE LICENSED PSYCHOLOGIST NOTIFIES THE BOARD OF THE
26 NAME OF THE PSYCHOLOGIST'S SUPERVISING CLINICIAN;

27 (C) THE SUPERVISING CLINICIAN NOTIFIES THE BOARD OF THE

1 NAME OF THE LICENCED PSYCHOLOGIST UNDER THE SUPERVISING
2 CLINICIAN'S SUPERVISION; AND

3 (D) THE LICENSED PSYCHOLOGIST MAINTAINS THE COMMERCIAL
4 PROFESSIONAL LIABILITY INSURANCE REQUIRED BY SUBSECTION (2)(a)(V)
5 OF THIS SECTION.

6 (II) A SUPERVISING CLINICIAN IS NOT LIABLE FOR THE ACTS OF A
7 LICENSED PSYCHOLOGIST UNDER THE SUPERVISING CLINICIAN'S
8 SUPERVISION UNLESS THE INJURY OR LOSS ARISES FROM THE ACTS UNDER
9 THE DIRECTION AND CONTROL OF THE SUPERVISING CLINICIAN.

10 (3) **Prescription certificate.** (a) A LICENSED PSYCHOLOGIST MAY
11 APPLY TO THE BOARD FOR A PRESCRIPTION CERTIFICATE IN THE FORM AND
12 MANNER APPROVED BY THE BOARD. THE APPLICANT MUST INCLUDE
13 SATISFACTORY EVIDENCE THAT THE APPLICANT:

14 (I) HAS BEEN ISSUED A CONDITIONAL PRESCRIPTION CERTIFICATE
15 AND HAS SUCCESSFULLY COMPLETED TWO YEARS OF PRESCRIBING
16 PSYCHOTROPIC MEDICATION UNDER THE SUPERVISION OF A SUPERVISING
17 CLINICIAN, AS CERTIFIED BY THE SUPERVISING CLINICIAN;

18 (II) HAS SUCCESSFULLY UNDERGONE A PROCESS OF INDEPENDENT
19 PEER REVIEW APPROVED BY THE BOARD AND THE COLORADO MEDICAL
20 BOARD;

21 (III) MAINTAINS COMMERCIAL PROFESSIONAL LIABILITY
22 INSURANCE WITH AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE
23 OR AN ELIGIBLE NONADMITTED INSURER AUTHORIZED TO PROVIDE
24 INSURANCE PURSUANT TO ARTICLE 5 OF TITLE 10 IN A MINIMUM
25 INDEMNITY AMOUNT OF ONE MILLION DOLLARS PER INCIDENT AND THREE
26 MILLION DOLLARS ANNUAL AGGREGATE PER YEAR; AND

27 (IV) MEETS ALL OTHER REQUIREMENTS AS DETERMINED BY THE

1 BOARD.

2 (b) THE BOARD SHALL ISSUE A PRESCRIPTION CERTIFICATE TO AN
3 APPLICANT WHO THE BOARD DETERMINES HAS MET THE REQUIREMENTS OF
4 SUBSECTION (3)(a) OF THIS SECTION. A LICENSED PSYCHOLOGIST WITH A
5 PRESCRIPTION CERTIFICATE MAY PRESCRIBE AND ADMINISTER
6 PSYCHOTROPIC MEDICATION TO A PERSON IF THE LICENSED PSYCHOLOGIST:

7 (I) HOLDS A CURRENT LICENSE IN GOOD STANDING TO PRACTICE
8 PSYCHOLOGY IN THIS STATE;

9 (II) MAINTAINS THE COMMERCIAL PROFESSIONAL LIABILITY
10 INSURANCE REQUIRED BY SUBSECTION (3)(a)(III) OF THIS SECTION; AND

11 (III) ANNUALLY COMPLETES AT LEAST TWENTY HOURS OF
12 CONTINUING EDUCATION IN THE AREAS OF PHARMACOLOGY AND
13 PSYCHOPHARMACOLOGY FOR PRESCRIBING PSYCHOLOGISTS OR A GREATER
14 AMOUNT AS REQUIRED BY THE BOARD.

15 (4) **Prescription certificate by endorsement.** UPON PAYMENT OF
16 THE REQUIRED LICENSING FEES AND APPROVAL OF THE APPLICATION FOR
17 A PRESCRIPTION CERTIFICATE BY ENDORSEMENT, THE BOARD MAY CERTIFY
18 BY ENDORSEMENT AND GRANT A PRESCRIPTION CERTIFICATE TO AN
19 APPLICANT WHO HAS:

20 (a) A CURRENT LICENSE IN GOOD STANDING TO PRACTICE
21 PSYCHOLOGY FROM ANOTHER STATE; AND

22 (b) (I) UNRESTRICTED PRESCRIPTIVE AUTHORITY FROM ANOTHER
23 STATE THAT IMPOSES THE EDUCATION, SUPERVISION, AND TRAINING
24 REQUIREMENTS REQUIRED BY THIS SECTION AND BY RULE OF THE BOARD;
25 OR

26 (II) TRAINING FROM THE UNITED STATES DEPARTMENT OF
27 DEFENSE PSYCHOPHARMACOLOGY DEMONSTRATION PROJECT FOR

1 LICENSED PSYCHOLOGISTS OR OTHER SIMILAR PROGRAM THAT IMPOSES
2 THE EDUCATION, SUPERVISION, AND TRAINING REQUIREMENTS REQUIRED
3 BY THIS SECTION AND BY RULE OF THE BOARD.

4 (5) **Rules.** THE BOARD MAY PROMULGATE RULES TO:

5 (a) IMPLEMENT PROCEDURES FOR OBTAINING A CONDITIONAL
6 PRESCRIPTION CERTIFICATE AND A PRESCRIPTION CERTIFICATE AND
7 RENEWALS FOR THE CERTIFICATES; AND

8 (b) IN ADDITION TO THE GROUNDS FOR DISCIPLINE IN SECTION
9 12-245-224, ESTABLISH THE GROUNDS FOR DENIAL, SUSPENSION, AND
10 REVOCATION OF A CONDITIONAL PRESCRIPTION CERTIFICATE AND A
11 PRESCRIPTION CERTIFICATE, INCLUDING FOR THE SUSPENSION OF A LICENSE
12 TO PRACTICE PSYCHOLOGY UPON THE SUSPENSION OR REVOCATION OF A
13 CERTIFICATE.

14 (6) **Prescribing and administering practices.** (a) A PRESCRIBING
15 PSYCHOLOGIST OR A LICENSED PSYCHOLOGIST WITH A CONDITIONAL
16 PRESCRIPTION CERTIFICATE MAY:

17 (I) PRESCRIBE PSYCHOTROPIC MEDICATION THROUGH THE USE OF
18 TELEPSYCHOLOGY; AND

19 (II) PRESCRIBE AND ADMINISTER PSYCHOTROPIC MEDICATION
20 WITHIN THE RECOGNIZED SCOPE OF PRACTICE, INCLUDING ORDERING AND
21 REVIEWING LABORATORY TESTS IN CONJUNCTION WITH A PRESCRIPTION
22 FOR THE TREATMENT OF A MENTAL HEALTH DISORDER.

23 (b) WHEN PRESCRIBING A PSYCHOTROPIC MEDICATION FOR A
24 CLIENT, THE PRESCRIBING PSYCHOLOGIST OR THE LICENSED PSYCHOLOGIST
25 WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL MAINTAIN AN
26 ONGOING COLLABORATIVE RELATIONSHIP WITH THE HEALTH-CARE
27 PROVIDER WHO OVERSEES THE CLIENT'S GENERAL MEDICAL CARE TO

1 ENSURE THAT NECESSARY MEDICAL EXAMINATIONS ARE CONDUCTED, THE
2 PSYCHOTROPIC MEDICATION IS APPROPRIATE FOR THE CLIENT'S MEDICAL
3 CONDITION, AND SIGNIFICANT CHANGES IN THE CLIENT'S MEDICAL OR
4 PSYCHOLOGICAL CONDITIONS ARE DISCUSSED.

5 (c) (I) A PRESCRIBING PSYCHOLOGIST OR A LICENSED
6 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL
7 OBTAIN A RELEASE OF INFORMATION FROM A CLIENT OR THE CLIENT'S
8 LEGAL GUARDIAN AUTHORIZING THE PSYCHOLOGIST TO CONTACT THE
9 CLIENT'S PRIMARY TREATING HEALTH-CARE PROVIDER, AS REQUIRED BY
10 LAW.

11 (II) IF A CLIENT OR THE CLIENT'S LEGAL GUARDIAN REFUSES TO
12 SIGN A RELEASE OF INFORMATION FOR THE CLIENT'S PRIMARY TREATING
13 HEALTH-CARE PROVIDER, THE PRESCRIBING PSYCHOLOGIST OR LICENSED
14 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL:

15 (A) INFORM THE CLIENT OR THE CLIENT'S LEGAL GUARDIAN THAT
16 THE PSYCHOLOGIST CANNOT TREAT THE CLIENT PHARMACOLOGICALLY
17 WITHOUT AN ONGOING COLLABORATIVE RELATIONSHIP WITH THE CLIENT'S
18 PRIMARY TREATING HEALTH-CARE PROVIDER; AND

19 (B) REFER THE CLIENT TO ANOTHER PRESCRIBER WHO IS NOT
20 REQUIRED TO MAINTAIN AN ONGOING COLLABORATIVE RELATIONSHIP
21 WITH A HEALTH-CARE PROVIDER.

22 (III) A PRESCRIBING PSYCHOLOGIST OR A LICENSED PSYCHOLOGIST
23 WITH A CONDITIONAL PRESCRIPTION CERTIFICATE MUST PROVIDE WRITTEN
24 NOTICE TO THE PRIMARY TREATING HEALTH-CARE PROVIDER WITHIN ONE
25 WEEK AFTER THE PSYCHOLOGIST ISSUES OR ADMINISTERS A PRESCRIPTION
26 FOR A PSYCHOTROPIC MEDICATION TO THE CLIENT.

27 (IV) IF A CLIENT DOES NOT HAVE A PRIMARY TREATING

1 HEALTH-CARE PROVIDER, THE PRESCRIBING PSYCHOLOGIST OR LICENSED
2 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL
3 REFER THE CLIENT TO A HEALTH-CARE PROVIDER PRIOR TO
4 PSYCHOPHARMACOLOGICAL TREATMENT. THE PSYCHOLOGIST MUST
5 RECEIVE THE RESULTS OF THE HEALTH-CARE PROVIDER'S ASSESSMENT AND
6 SHALL CONTACT THE HEALTH-CARE PROVIDER WHO CONDUCTED THE
7 ASSESSMENT PRIOR TO PRESCRIBING A PSYCHOTROPIC MEDICATION TO THE
8 CLIENT.

9 (V) ONCE A COLLABORATIVE RELATIONSHIP IS ESTABLISHED WITH
10 THE PRIMARY TREATING HEALTH-CARE PROVIDER OR OTHER HEALTH-CARE
11 PROVIDER TO WHOM THE PSYCHOLOGIST REFERS THE CLIENT PURSUANT TO
12 SUBSECTION (6)(c)(IV) OF THIS SECTION, THE PRESCRIBING PSYCHOLOGIST
13 OR LICENSED PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION
14 CERTIFICATE SHALL MAINTAIN AND DOCUMENT THE COLLABORATIVE
15 RELATIONSHIP TO ENSURE THAT RELEVANT INFORMATION IS EXCHANGED
16 ACCURATELY AND IN A TIMELY MANNER. THE ONGOING COLLABORATIVE
17 RELATIONSHIP MUST BE MAINTAINED ACCORDING TO THE FOLLOWING:

18 (A) A PRESCRIBING PSYCHOLOGIST OR LICENSED PSYCHOLOGIST
19 WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL NOTIFY THE
20 PRIMARY TREATING HEALTH-CARE PROVIDER OR OTHER HEALTH-CARE
21 PROVIDER TO WHOM THE PSYCHOLOGIST REFERS THE CLIENT PURSUANT TO
22 SUBSECTION (6)(c)(IV) OF THIS SECTION IF THE CLIENT EXPERIENCES
23 ADVERSE EFFECTS FROM MEDICATIONS PRESCRIBED BY THE PSYCHOLOGIST
24 THAT MAY BE RELATED TO THE CLIENT'S MEDICAL CONDITION FOR WHICH
25 THE CLIENT IS BEING TREATED BY THE PRIMARY TREATING HEALTH-CARE
26 PROVIDER OR OTHER HEALTH-CARE PROVIDER;

27 (B) A PRESCRIBING PSYCHOLOGIST OR LICENSED PSYCHOLOGIST

1 WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL NOTIFY THE
2 PRIMARY TREATING HEALTH-CARE PROVIDER OR OTHER HEALTH-CARE
3 PROVIDER TO WHOM THE PSYCHOLOGIST REFERS THE CLIENT PURSUANT TO
4 SUBSECTION (6)(c)(IV) OF THIS SECTION REGARDING RESULTS OF
5 LABORATORY TESTS RELATED TO THE MEDICAL CARE OF THE CLIENT THAT
6 HAVE BEEN ORDERED BY THE PSYCHOLOGIST IN CONJUNCTION WITH
7 PSYCHOPHARMACOLOGICAL TREATMENT; AND

8 (C) A PRESCRIBING PSYCHOLOGIST OR LICENSED PSYCHOLOGIST
9 WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL NOTIFY A
10 PRIMARY TREATING HEALTH-CARE PROVIDER OR OTHER HEALTH-CARE
11 PROVIDER TO WHOM THE PSYCHOLOGIST REFERS THE CLIENT PURSUANT TO
12 SUBSECTION (6)(c)(IV) OF THIS SECTION AS SOON AS POSSIBLE OF ANY
13 CHANGE IN THE CLIENT'S PSYCHOLOGICAL CONDITION THAT MAY AFFECT
14 THE MEDICAL TREATMENT BEING PROVIDED BY THE HEALTH-CARE
15 PROVIDER.

16 (VI) THIS SUBSECTION (6) DOES NOT REQUIRE A PRESCRIBING
17 PSYCHOLOGIST OR A LICENSED PSYCHOLOGIST WITH A CONDITIONAL
18 PRESCRIPTION CERTIFICATE TO GIVE PRIOR NOTICE TO OR OBTAIN PRIOR
19 APPROVAL FROM A HEALTH-CARE PROVIDER TO PRESCRIBE PSYCHOTROPIC
20 MEDICATION TO A CLIENT WITH WHOM THE LICENSED PSYCHOLOGIST HAS
21 AN ESTABLISHED PSYCHOLOGIST-CLIENT RELATIONSHIP.

22 (d) IN ACCORDANCE WITH SECTION 12-245-203, A PRESCRIBING
23 PSYCHOLOGIST OR LICENSED PSYCHOLOGIST WITH A CONDITIONAL
24 PRESCRIPTION CERTIFICATE SHALL NOT PRESCRIBE MEDICATION TO A
25 CLIENT UNLESS IT IS WITHIN THE PRESCRIBING PSYCHOLOGIST'S SCOPE OF
26 TRAINING, EXPERIENCE, AND COMPETENCE.

27 (7) **Complaints.** ON OR BEFORE NOVEMBER 1, 2023, THE BOARD

1 AND THE COLORADO MEDICAL BOARD SHALL APPOINT A COMMITTEE OF ITS
2 MEMBERS TO EVALUATE AND PROCESS COMPLAINTS RECEIVED PURSUANT
3 TO THIS SECTION IN ACCORDANCE WITH PART 4 OF ARTICLE 20 OF THIS
4 TITLE 12. THE APPOINTEES SHALL PRESENT THEIR RECOMMENDATIONS AND
5 FINDINGS TO BOTH BOARDS ANNUALLY, BEGINNING ON OR BEFORE
6 FEBRUARY 1, 2024.

7 (8) **Prescription information.** THE ENTITY THAT DISPENSES A
8 PRESCRIPTION FOR A PSYCHOTROPIC MEDICATION WRITTEN BY A
9 PRESCRIBING PSYCHOLOGIST OR A LICENSED PSYCHOLOGIST WITH A
10 CONDITIONAL PRESCRIPTION CERTIFICATE SHALL:

- 11 (a) COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS;
- 12 (b) IDENTIFY ON THE MEDICATION LABEL THAT THE PSYCHOTROPIC
13 MEDICATION WAS PRESCRIBED BY A PSYCHOLOGIST WHO IS A
14 "PSYCHOLOGIST CERTIFIED TO PRESCRIBE"; AND
- 15 (c) INCLUDE THE PSYCHOLOGIST'S BOARD-ASSIGNED
16 IDENTIFICATION NUMBER ON THE MEDICATION LABEL TO INDICATE THAT
17 THE PSYCHOLOGIST'S LICENSE IS ACTIVE.

18 (9) **Delegation.** A PRESCRIBING PSYCHOLOGIST OR A LICENSED
19 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL
20 NOT DELEGATE THE PSYCHOLOGIST'S PRESCRIPTIVE AUTHORITY.

21 (10) **Drug enforcement administration number.** EACH
22 PRESCRIBING PSYCHOLOGIST AND LICENSED PSYCHOLOGIST WITH A
23 CONDITIONAL PRESCRIPTION CERTIFICATE SHALL FILE WITH THE BOARD, IN
24 THE FORM AND MANNER DETERMINED BY THE BOARD, ALL INDIVIDUAL
25 FEDERAL DRUG ENFORCEMENT ADMINISTRATION REGISTRATIONS AND
26 NUMBERS. THE BOARD AND THE COLORADO MEDICAL BOARD SHALL
27 MAINTAIN CURRENT RECORDS OF EVERY PSYCHOLOGIST WITH

1 PRESCRIPTIVE AUTHORITY, INCLUDING THE PSYCHOLOGIST'S
2 REGISTRATIONS AND NUMBERS.

3 (11) (a) THE DEPARTMENT SHALL ANNUALLY COLLECT
4 INFORMATION REGARDING:

5 (I) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS AND LICENSED
6 PSYCHOLOGISTS WITH CONDITIONAL PRESCRIPTION CERTIFICATES IN THIS
7 STATE;

8 (II) THE LOCATION OF PRACTICE OF EACH PRESCRIBING
9 PSYCHOLOGIST AND LICENSED PSYCHOLOGIST WITH A CONDITIONAL
10 PRESCRIPTION CERTIFICATE;

11 (III) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS AND LICENSED
12 PSYCHOLOGISTS WITH A CONDITIONAL PRESCRIPTION CERTIFICATE WHO
13 ACCEPT CLIENTS WITH PRIVATE HEALTH INSURANCE OR WHO ARE
14 ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED
15 PURSUANT TO PARTS 4 TO 6 OF TITLE 25.5;

16 (IV) THE TYPE OF PRACTICE OF EACH PRESCRIBING PSYCHOLOGIST
17 AND LICENSED PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION
18 CERTIFICATE; AND

19 (V) THE POPULATIONS SERVED BY EACH PRESCRIBING
20 PSYCHOLOGIST AND LICENSED PSYCHOLOGIST WITH A CONDITIONAL
21 PRESCRIPTION CERTIFICATE.

22 (b) THE DEPARTMENT SHALL COMPILE THE INFORMATION AND
23 SHARE IT WITH THE OFFICE IN THE DEPARTMENT THAT IS RESPONSIBLE FOR
24 CONDUCTING SUNSET REVIEWS PURSUANT TO SECTION 24-34-104. THE
25 OFFICE SHALL INCLUDE THE INFORMATION IN EACH SCHEDULED SUNSET
26 REVIEW CONCERNING THE REGULATION OF MENTAL HEALTH
27 PROFESSIONALS PURSUANT TO SECTION 24-34-104.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.