

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0051.01 Kristen Forrestal x4217

HOUSE BILL 23-1071

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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.

SENATE
Amended 2nd Reading
February 22, 2023

HOUSE
3rd Reading Unamended
February 9, 2023

HOUSE
Amended 2nd Reading
February 8, 2023

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, 12-245-224, add (3)**

1 as follows:

2 **12-245-224. Prohibited activities - related provisions -**
3 **definition. (3) (a) THE BOARD SHALL DESIGN AND SEND A**
4 **QUESTIONNAIRE TO ALL LICENSED PSYCHOLOGISTS WITH PRESCRIPTIVE**
5 **AUTHORITY WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR**
6 **LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED**
7 **QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE**
8 **WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS PART 2 OR HAS**
9 **BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A**
10 **VIOLATION OF THIS PART 2 OR THAT MIGHT MAKE THE LICENSEE UNFIT TO**
11 **PRACTICE PSYCHOLOGY WITH REASONABLE CARE AND SAFETY. THE BOARD**
12 **SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING**
13 **WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111 AND IS**
14 **IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). IF AN APPLICANT FAILS**
15 **TO ANSWER THE QUESTIONNAIRE ACCURATELY, THE FAILURE CONSTITUTES**
16 **GROUND FOR DISCIPLINE UNDER THIS SECTION. THE BOARD MAY INCLUDE**
17 **THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE**
18 **PAID PURSUANT TO SECTION 12-245-205 OF THIS SECTION. THE BOARD**
19 **MAY DENY AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT**
20 **ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.**

21 **(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF**
22 **A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN**
23 **COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS**
24 **AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.**

25 **SECTION 2. In Colorado Revised Statutes, 12-30-109, amend**
26 **(1)(b), (4)(e), and (4)(f); and add (4)(g) as follows:**

27 **12-30-109. Prescriptions - limitations - definition - rules.**

1 (1) (b) Prior to prescribing any opioid or benzodiazepine prescription
2 pursuant to this section, a prescriber must comply with section
3 12-280-404 (4). Failure to comply with section 12-280-404 (4) constitutes
4 unprofessional conduct or grounds for discipline, as applicable, under
5 section 12-220-201, 12-240-121, ~~12-245-224~~, 12-255-120, 12-275-120,
6 12-290-108, or 12-315-112, as applicable to the particular prescriber, only
7 if the prescriber repeatedly fails to comply.

8 (4) As used in this section, "prescriber" means:

9 (e) A podiatrist licensed pursuant to article 290 of this title 12; or

10 (f) A veterinarian licensed pursuant to part 1 of article 315 of this
11 title 12; or

12 (g) A LICENSED PSYCHOLOGIST WITH PRESCRIPTIVE AUTHORITY
13 PURSUANT TO SECTION 12-245-309.

14 **SECTION 3.** In Colorado Revised Statutes, 12-245-301, **amend**
15 (4), (5), and (6); and **add** (7), (8), (9), (10), (11), (12), and (13) as
16 follows:

17 **12-245-301. Definitions.** As used in this part 3, unless the context
18 otherwise requires:

19 (4) ~~"Licensed psychologist" means a person licensed under this~~
20 part 3 "INDEPENDENTLY LICENSED PRESCRIBING PHYSICIAN" MEANS A
21 PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12 WHO
22 SUPERVISES LICENSED PSYCHOLOGISTS PARTICIPATING IN PRACTICUMS
23 DESCRIBED IN SECTION 12-245-309 (2)(a)(IV).

24 (5) ~~"Professional psychological training program" means a~~
25 ~~doctoral training program that:~~

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

1 (b) For applicants receiving their terminal degrees after 1990, is
2 designated as a doctoral program in psychology by the Association of
3 State and Provincial Psychology Boards or the National Register of
4 Health Service Psychologists, or is accredited by the American
5 Psychological Association or Canadian Psychological Association
6 "LICENSED PSYCHOLOGIST" MEANS A PERSON LICENSED PURSUANT TO THIS
7 PART 3.

8 (6) "Telepsychology" means the provision of psychological
9 services using telecommunications technologies == "NARCOTIC DRUG"
10 HAS THE SAME MEANING AS SET FORTH IN SECTION 18-18-102 (20).

11 (7) "PRESCRIBING PSYCHOLOGIST" MEANS A LICENSED
12 PSYCHOLOGIST WHO HOLDS A PRESCRIPTION CERTIFICATE.

13 (8) "PRESCRIPTION CERTIFICATE" MEANS A DOCUMENT ISSUED BY
14 THE BOARD, WITH APPROVAL OF THE COLORADO MEDICAL BOARD, TO A
15 LICENSED PSYCHOLOGIST THAT PERMITS THE LICENSED PSYCHOLOGIST TO
16 PRESCRIBE PSYCHOTROPIC MEDICATIONS PURSUANT TO THIS PART 3.

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

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

21 (b) FOR APPLICANTS RECEIVING THEIR TERMINAL DEGREES AFTER
22 1990, IS DESIGNATED AS A DOCTORAL PROGRAM IN PSYCHOLOGY BY THE
23 ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS OR THE
24 NATIONAL REGISTER OF HEALTH SERVICE PSYCHOLOGISTS OR IS
25 ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR
26 CANADIAN PSYCHOLOGICAL ASSOCIATION.

27 (10) (a) "PSYCHOTROPIC MEDICATION" MEANS A CONTROLLED

1 SUBSTANCE OR DANGEROUS DRUG:

2 (I) THAT MAY NOT BE DISPENSED OR ADMINISTERED WITHOUT A
3 PRESCRIPTION;

4 (II) FOR WHICH THE PRIMARY INDICATION FOR USE IS APPROVED BY
5 THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF
6 MENTAL HEALTH DISORDERS; AND

7 (III) THAT IS LISTED AS A PSYCHOTHERAPEUTIC AGENT IN THE
8 MOST RECENT EDITION OF "DRUG FACTS AND COMPARISONS" OR IN THE
9 AMERICAN HOSPITAL FORMULARY SERVICE DRUG INFORMATION
10 COMPENDIUM.

11 (b) "PSYCHOTROPIC MEDICATION" DOES NOT INCLUDE A NARCOTIC
12 DRUG.

13

14 (11) "TELEPSYCHOLOGY" MEANS THE PROVISION OF
15 PSYCHOLOGICAL SERVICES USING TELECOMMUNICATIONS TECHNOLOGIES.

16 **SECTION 4.** In Colorado Revised Statutes, 12-245-302, **amend**
17 (2)(a) as follows:

18 **12-245-302. State board of psychologist examiners - created**
19 **- members - terms.** (2) The board consists of **seven** members who are
20 residents of the state of Colorado as follows:

21 (a) **Four** board members must be licensed psychologists, at least
22 two of whom shall be engaged in the direct practice of psychology **AND**
23 **ONE OF WHOM IS A PRESCRIBING PSYCHOLOGIST; except that, if,** after a
24 good-faith attempt, the governor determines that an applicant for
25 membership on the board pursuant to this subsection (2)(a) who is
26 engaged in the direct practice of psychology **OR WHO IS A PRESCRIBING**
27 **PSYCHOLOGIST** is not available to serve on the board for a particular term,

1 the governor may appoint a licensed psychologist who is not engaged in
2 the direct practice of psychology OR WHO IS NOT A PRESCRIBING
3 PSYCHOLOGIST.

4 **SECTION 5.** In Colorado Revised Statutes, **add** 12-245-309 as
5 follows:

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

13 (b) A LICENSED PSYCHOLOGIST MUST HOLD [REDACTED] A PRESCRIPTION
14 CERTIFICATE IN ORDER TO PRESCRIBE OR ADMINISTER PSYCHOTROPIC
15 MEDICATION.

16 (2) **Prescription certificate.** (a) A LICENSED PSYCHOLOGIST MAY
17 APPLY TO THE BOARD FOR A [REDACTED] PRESCRIPTION CERTIFICATE IN THE FORM
18 AND MANNER APPROVED BY THE BOARD. THE APPLICANT MUST INCLUDE
19 SATISFACTORY EVIDENCE THAT THE APPLICANT:

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

24 (II) HAS SUCCESSFULLY COMPLETED A MASTER OF SCIENCE IN A
25 CLINICAL PSYCHOPHARMACOLOGY PROGRAM THAT IS DESIGNATED BY THE
26 AMERICAN PSYCHOLOGICAL ASSOCIATION OR ANY EDUCATION AS SET
27 FORTH IN RULES PROMULGATED BY THE BOARD WITH APPROVAL OF THE

1 COLORADO MEDICAL BOARD AND THAT CONSISTS OF DIDACTIC
2 INSTRUCTION OF AT LEAST FOUR HUNDRED FIFTY CLASSROOM HOURS IN AT
3 LEAST THE FOLLOWING CORE AREAS OF INSTRUCTION:

- 4 (A) NEUROSCIENCE;
- 5 (B) PHARMACOLOGY;
- 6 (C) PSYCHOPHARMACOLOGY;
- 7 (D) PHYSIOLOGY;
- 8 (E) PATHOPHYSIOLOGY;
- 9 (F) APPROPRIATE AND RELEVANT PHYSICAL AND LABORATORY

10 ASSESSMENT; ==

- 11 (G) CLINICAL PHARMACOTHERAPEUTICS; AND
- 12 (H) BASIC SCIENCES, INCLUDING GENERAL BIOLOGY,
- 13 MICROBIOLOGY, CELL AND MOLECULAR BIOLOGY, HUMAN ANATOMY,
- 14 HUMAN PHYSIOLOGY, BIOCHEMISTRY, AND GENETICS, AS PART OF OR PRIOR
- 15 TO ENROLLMENT IN A MASTER OF SCIENCE DEGREE PROGRAM IN CLINICAL
- 16 PSYCHOPHARMACOLOGY.

17 (III) HAS PASSED THE PSYCHOPHARMACOLOGY EXAMINATION FOR
18 PSYCHOLOGISTS DEVELOPED BY THE ASSOCIATION OF STATE AND
19 PROVINCIAL PSYCHOLOGY BOARDS, OR ITS SUCCESSOR ORGANIZATION;

20 (IV) HAS BEEN CERTIFIED BY EACH OF THE APPLICANT'S
21 INDEPENDENTLY LICENSED PRESCRIBING PHYSICIANS AS HAVING
22 SUCCESSFULLY COMPLETED, IN NOT LESS THAN TWELVE MONTHS BUT NO
23 MORE THAN TWENTY-FOUR MONTHS, A SUPERVISED AND RELEVANT
24 CLINICAL EXPERIENCE APPROVED BY THE BOARD AND THE COLORADO
25 MEDICAL BOARD THAT CONSISTS OF:

- 26 (A) A ONE-TO-ONE, IN-PERSON SUPERVISED PRACTICUM, OF AT
- 27 LEAST SEVEN HUNDRED FIFTY HOURS TREATING AT LEAST ONE HUNDRED

1 FIFTY CLIENTS WITH MENTAL HEALTH DISORDERS UNDER THE SUPERVISION
2 OF ANY ONE OR A COMBINATION OF APPROPRIATELY TRAINED
3 INDEPENDENTLY LICENSED PRESCRIBING PHYSICIANS WHO HAVE BEEN
4 DETERMINED BY THE BOARD AND THE COLORADO MEDICAL BOARD AS
5 COMPETENT TO TRAIN THE APPLICANT IN THE TREATMENT OF A DIVERSE
6 CLIENT POPULATION;

7 (B) INCLUDED IN THE SEVEN HUNDRED FIFTY HOURS REQUIRED IN
8 SUBSECTION (2)(a)(IV)(A) OF THIS SECTION, AT LEAST AN EIGHTY-HOUR
9 PRACTICUM IN OBSERVATIONAL CLINICAL ASSESSMENT AND
10 PATHOPHYSIOLOGY UNDER THE SUPERVISION OF AN INDEPENDENTLY
11 LICENSED PRESCRIBING PHYSICIAN; AND

12 (C) IF THE LICENSED PSYCHOLOGIST IS WORKING WITH PATIENTS
13 UNDER EIGHTEEN YEARS OF AGE OR OVER SIXTY-FIVE YEARS OF AGE, AT
14 LEAST TWO HUNDRED FIFTY OF THE SEVEN HUNDRED FIFTY HOURS
15 REQUIRED IN SUBSECTION (2)(a)(IV)(A) OF THIS SECTION UNDER THE
16 SUPERVISION OF ONE OR MORE INDEPENDENTLY LICENSED PRESCRIBING
17 PHYSICIANS WHO WORK WITH PATIENTS UNDER EIGHTEEN YEARS OF AGE
18 OR OVER SIXTY-FIVE YEARS OF AGE, WHICHEVER IS APPLICABLE, IF THE
19 LICENSED PSYCHOLOGIST IS WORKING WITH SUCH PATIENTS;

20
21 (V) HAS SUCCESSFULLY UNDERGONE A PROCESS OF INDEPENDENT
22 PEER REVIEW AS SET FORTH IN RULE OF THE BOARD AND APPROVED BY THE
23 COLORADO MEDICAL BOARD;

24 (VI) MAINTAINS COMMERCIAL PROFESSIONAL LIABILITY
25 INSURANCE WITH AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE
26 OR AN ELIGIBLE NONADMITTED INSURER AUTHORIZED TO PROVIDE
27 INSURANCE PURSUANT TO ARTICLE 5 OF TITLE 10 IN A MINIMUM

1 INDEMNITY AMOUNT OF ONE MILLION DOLLARS PER INCIDENT AND THREE
2 MILLION DOLLARS ANNUAL AGGREGATE PER YEAR; AND

3 (VII) MEETS ALL OTHER REQUIREMENTS AS DETERMINED BY THE
4 BOARD.

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

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

12 (II) MAINTAINS THE COMMERCIAL PROFESSIONAL LIABILITY
13 INSURANCE REQUIRED BY SUBSECTION (2)(a)(VI) OF THIS SECTION; AND

14 (III) COMPLETES AT LEAST FORTY HOURS OF CONTINUING
15 EDUCATION EVERY TWO YEARS IN THE AREAS OF PHARMACOLOGY AND
16 PSYCHOPHARMACOLOGY FOR PRESCRIBING PSYCHOLOGISTS OR A GREATER
17 AMOUNT AS REQUIRED BY THE BOARD.

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

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

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

1 OR

2 (II) TRAINING FROM THE UNITED STATES DEPARTMENT OF
3 DEFENSE PSYCHOPHARMACOLOGY DEMONSTRATION PROJECT FOR
4 LICENSED PSYCHOLOGISTS OR OTHER SIMILAR PROGRAM THAT IMPOSES
5 THE EDUCATION, SUPERVISION, AND TRAINING REQUIREMENTS REQUIRED
6 BY THIS SECTION AND BY RULE OF THE BOARD.

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

8 (a) IMPLEMENT PROCEDURES FOR OBTAINING A PRESCRIPTION
9 CERTIFICATE AND RENEWALS FOR THE CERTIFICATES; AND

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

15 (5) **Prescribing and administering practices.** (a) A PRESCRIBING
16 PSYCHOLOGIST 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 PATIENT, THE PRESCRIBING PSYCHOLOGIST _____ SHALL MAINTAIN AN
25 ONGOING COLLABORATIVE RELATIONSHIP WITH THE PHYSICIAN WHO
26 OVERSEES THE PATIENT'S GENERAL MEDICAL CARE TO ENSURE THAT
27 NECESSARY MEDICAL EXAMINATIONS ARE CONDUCTED, THE

1 PSYCHOTROPIC MEDICATION IS APPROPRIATE FOR THE PATIENT'S MEDICAL
2 CONDITION, AND SIGNIFICANT CHANGES IN THE PATIENT'S MEDICAL OR
3 PSYCHOLOGICAL CONDITIONS ARE DISCUSSED.

4 (c) (I) A PRESCRIBING PSYCHOLOGIST SHALL OBTAIN A RELEASE
5 OF INFORMATION FROM A PATIENT OR THE PATIENT'S LEGAL GUARDIAN
6 AUTHORIZING THE PSYCHOLOGIST TO CONTACT THE PATIENT'S PRIMARY
7 TREATING PHYSICIAN, AS REQUIRED BY LAW.

8 (II) IF A PATIENT OR THE PATIENT'S LEGAL GUARDIAN REFUSES TO
9 SIGN A RELEASE OF INFORMATION FOR THE PATIENT'S PRIMARY TREATING
10 PHYSICIAN WHO OVERSEES THE PATIENT, THE PRESCRIBING PSYCHOLOGIST
11 SHALL:

12 (A) INFORM THE CLIENT OR THE CLIENT'S LEGAL GUARDIAN THAT
13 THE PSYCHOLOGIST CANNOT TREAT THE PATIENT PHARMACOLOGICALLY
14 WITHOUT AN ONGOING COLLABORATIVE RELATIONSHIP WITH THE CLIENT'S
15 PRIMARY TREATING PHYSICIAN; AND

16 (B) REFER THE PATIENT TO ANOTHER PRESCRIBER WHO IS NOT
17 REQUIRED TO MAINTAIN AN ONGOING COLLABORATIVE RELATIONSHIP
18 WITH A PHYSICIAN.

19 (III) BEFORE PRESCRIBING OR ADMINISTERING A PSYCHOTROPIC
20 MEDICATION TO A PATIENT, A PRESCRIBING PSYCHOLOGIST SHALL
21 COMMUNICATE TO THE PATIENT'S PRIMARY TREATING PHYSICIAN THE
22 INTENT TO PRESCRIBE OR ADMINISTER THE MEDICATION AND MUST
23 RECEIVE ELECTRONIC WRITTEN AGREEMENT FROM THE PHYSICIAN THAT
24 THE PRESCRIPTION FOR OR ADMINISTERING OF THE MEDICATION IS
25 APPROPRIATE.

26 (IV) IF A PATIENT DOES NOT HAVE A PRIMARY TREATING
27 HEALTH-CARE PROVIDER WHO IS A LICENSED PHYSICIAN, THE PRESCRIBING

1 PSYCHOLOGIST ___ SHALL REFER THE PATIENT TO A LICENSED PHYSICIAN
2 PRIOR TO PSYCHOPHARMACOLOGICAL TREATMENT. THE PSYCHOLOGIST
3 MUST RECEIVE THE RESULTS OF THE LICENSED PHYSICIAN'S ASSESSMENT
4 AND SHALL CONTACT THE LICENSED PHYSICIAN WHO CONDUCTED THE
5 ASSESSMENT PRIOR TO PRESCRIBING A PSYCHOTROPIC MEDICATION TO THE
6 PATIENT.

7 (V) ONCE A COLLABORATIVE RELATIONSHIP IS ESTABLISHED WITH
8 ___ THE PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST
9 REFERS THE PATIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS
10 SECTION, THE PRESCRIBING PSYCHOLOGIST ___ SHALL MAINTAIN AND
11 DOCUMENT THE COLLABORATIVE RELATIONSHIP TO ENSURE THAT
12 RELEVANT INFORMATION IS EXCHANGED ACCURATELY AND IN A TIMELY
13 MANNER. THE ONGOING COLLABORATIVE RELATIONSHIP MUST BE
14 MAINTAINED ACCORDING TO THE FOLLOWING:

15 (A) A PRESCRIBING PSYCHOLOGIST ___ SHALL NOTIFY THE ___
16 PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE
17 CLIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION IF THE
18 PATIENT EXPERIENCES ADVERSE EFFECTS FROM MEDICATIONS PRESCRIBED
19 BY THE PSYCHOLOGIST THAT MAY BE RELATED TO THE PATIENT'S MEDICAL
20 CONDITION FOR WHICH THE PATIENT IS BEING TREATED BY THE PRIMARY
21 TREATING PHYSICIAN;

22 (B) A PRESCRIBING PSYCHOLOGIST ___ SHALL NOTIFY THE PRIMARY
23 TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE PATIENT
24 PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION REGARDING
25 RESULTS OF LABORATORY TESTS RELATED TO THE MEDICAL CARE OF THE
26 PATIENT THAT HAVE BEEN ORDERED BY THE PSYCHOLOGIST IN
27 CONJUNCTION WITH PSYCHOPHARMACOLOGICAL TREATMENT; AND

1 (C) A PRESCRIBING PSYCHOLOGIST _____ SHALL NOTIFY A _____
2 PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE
3 PATIENT PURSUANT TO SUBSECTION (6)(c)(IV) OF THIS SECTION AS SOON
4 AS POSSIBLE OF ANY CHANGE IN THE PATIENT'S PSYCHOLOGICAL
5 CONDITION THAT MAY AFFECT THE MEDICAL TREATMENT BEING PROVIDED
6 BY THE PHYSICIAN.

7 (d) IN ACCORDANCE WITH SECTION 12-245-203, A PRESCRIBING
8 PSYCHOLOGIST _____ SHALL NOT PRESCRIBE MEDICATION TO A PATIENT
9 UNLESS IT IS WITHIN THE PRESCRIBING PSYCHOLOGIST'S SCOPE OF
10 TRAINING, EXPERIENCE, AND COMPETENCE.

11 _____
12 (6) **Complaints.** THE COLORADO MEDICAL BOARD SHALL REVIEW
13 COMPLAINTS IN THE NORMAL COURSE OF BUSINESS AND MAKE
14 RECOMMENDATIONS TO THE BOARD REGARDING VIOLATIONS OF THIS
15 SECTION AND DISCIPLINARY ACTION TO BE TAKEN BY THE BOARD, IF
16 APPLICABLE.

17 (7) **Prescription information.** THE ENTITY THAT DISPENSES A
18 PRESCRIPTION FOR A PSYCHOTROPIC MEDICATION WRITTEN BY A
19 PRESCRIBING PSYCHOLOGIST SHALL COMPLY WITH APPLICABLE STATE AND
20 FEDERAL LAWS.

21 (8) **Disclosure.** A PRESCRIBING PSYCHOLOGIST SHALL DISCLOSE TO
22 EACH PATIENT TO WHOM THE PSYCHOLOGIST PRESCRIBES A PSYCHOTROPIC
23 MEDICATION THAT THE PSYCHOLOGIST IS NOT A PHYSICIAN LICENSED TO
24 PRACTICE MEDICINE, AND WILL BE SHARING INFORMATION REGARDING THE
25 DELIVERY OF PRESCRIBING SERVICES TO THE PATIENT'S PRIMARY TREATING
26 HEALTH-CARE PROVIDER AS REQUIRED BY LAW. THE DISCLOSURE MUST BE
27 IN WRITING, SIGNED BY THE PATIENT, AND KEPT IN THE PATIENT'S RECORD

1 ON FILE WITH THE PSYCHOLOGIST.

2 (9) A PRESCRIBING PSYCHOLOGIST SHALL NOT PRESCRIBE ANY
3 DRUG TO A PERSON UNDER EIGHTEEN YEARS OF AGE WITHOUT INFORMED
4 CONSENT FROM THE PARENT OR GUARDIAN OF SUCH PERSON.

5 (10) **Drug enforcement administration number.** EACH
6 PRESCRIBING PSYCHOLOGIST SHALL FILE WITH THE BOARD, IN THE FORM
7 AND MANNER DETERMINED BY THE BOARD, ALL INDIVIDUAL FEDERAL
8 DRUG ENFORCEMENT ADMINISTRATION REGISTRATIONS AND NUMBERS.
9 THE BOARD AND THE COLORADO MEDICAL BOARD SHALL MAINTAIN
10 CURRENT RECORDS OF EVERY PSYCHOLOGIST WITH PRESCRIPTIVE
11 AUTHORITY, INCLUDING THE PSYCHOLOGIST'S REGISTRATIONS AND
12 NUMBERS.

13 (11) (a) THE DEPARTMENT SHALL ANNUALLY COLLECT
14 INFORMATION REGARDING:

15 (I) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS IN THIS STATE;

16 (II) THE LOCATION OF PRACTICE OF EACH PRESCRIBING
17 PSYCHOLOGIST;

18 (III) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS WHO
19 ACCEPT CLIENTS WITH PRIVATE HEALTH INSURANCE OR WHO ARE
20 ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED
21 PURSUANT TO PARTS 4 TO 6 OF TITLE 25.5;

22 (IV) THE TYPE OF PRACTICE OF EACH PRESCRIBING PSYCHOLOGIST;
23 AND

24 (V) THE POPULATIONS SERVED BY EACH PRESCRIBING
25 PSYCHOLOGIST.

26 (b) THE DEPARTMENT SHALL COMPILE THE INFORMATION AND
27 SHARE IT WITH THE OFFICE IN THE DEPARTMENT THAT IS RESPONSIBLE FOR

1 CONDUCTING SUNSET REVIEWS PURSUANT TO SECTION 24-34-104. THE
2 OFFICE SHALL INCLUDE THE INFORMATION IN EACH SCHEDULED SUNSET
3 REVIEW CONCERNING THE REGULATION OF MENTAL HEALTH
4 PROFESSIONALS PURSUANT TO SECTION 24-34-104.

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