

FIRST REGULAR SESSION

HOUSE BILL NO. 350

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WOOD (Sponsor), LAMPE, FISHER, VIEBROCK, KRATKY,
DOUGHERTY, MOORE, DENISON, JONES (117), DIXON, DEEKEN, BIVINS, FRANZ,
WETER AND PEARCE (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0249L.01I

AN ACT

To repeal sections 337.010, 337.015, 337.020, and 338.198, RSMo, and to enact in lieu thereof
six new sections relating to psychologist licensing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 337.010, 337.015, 337.020, and 338.198, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 337.010, 337.015, 337.020,
3 337.031, 337.032, and 338.198, to read as follows:
337.010. As used in sections 337.010 to 337.090 the following terms mean:
2 (1) "Committee", the state committee of psychologists;
3 (2) "Department", the department of economic development;
4 (3) "Division", the division of professional registration within the department of
5 economic development;
6 (4) **"Licensed prescribing psychologist", any licensed psychologist who is also a**
7 **certified health service provider and who holds a license as a prescribing psychologist;**
8 (5) "Licensed psychologist", any person who offers to render psychological services to
9 individuals, groups, organizations, institutions, corporations, schools, government agencies or
10 the general public for a fee, monetary or otherwise, implying that such person is trained,
11 experienced and licensed to practice psychology and who holds a current and valid, whether
12 temporary, provisional or permanent, license in this state to practice psychology;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 [(5)] (6) "Provisional licensed psychologist", any person who is a graduate of a
14 recognized educational institution with a doctoral degree in psychology as defined in section
15 337.025, and who otherwise meets all requirements to become a licensed psychologist except
16 for passage of the licensing exams, oral examination and completion of the required period of
17 postdegree supervised experience as specified in subsection 2 of section 337.025;

18 [(6)] (7) "Recognized educational institution":

19 (a) A school, college, university or other institution of higher learning in the United
20 States, which, at the time the applicant was enrolled and graduated, had a graduate program in
21 psychology and was accredited by one of the regional accrediting associations approved by the
22 Council on Postsecondary Accreditation; or

23 (b) A school, college, university or other institution of higher learning outside the United
24 States, which, at the time the applicant was enrolled and graduated, had a graduate program in
25 psychology and maintained a standard of training substantially equivalent to the standards of
26 training of those programs accredited by one of the regional accrediting associations approved
27 by the Council of Postsecondary Accreditation;

28 [(7)] (8) "Temporary license", a license which is issued to a person licensed as a
29 psychologist in another jurisdiction, who has applied for licensure in this state either by
30 reciprocity or endorsement of the score from the Examination for Professional Practice in
31 Psychology, and who is awaiting either a final determination by the committee relative to such
32 person's eligibility for licensure or who is awaiting the results of the jurisprudence examination
33 or oral examination.

337.015. 1. No person shall represent himself as a psychologist in the state of Missouri
2 unless he is validly licensed and registered under the provisions of this chapter. No person shall
3 engage in the practice of psychology in the state of Missouri unless he is validly licensed and
4 registered under the provisions of this chapter unless otherwise exempt under the provisions of
5 sections 337.010 to 337.090.

6 2. A person represents himself as a "psychologist" within the meaning of this chapter
7 when he holds himself out to the public by any title or description of services incorporating the
8 words "psychology", "psychological", or "psychologist", or any term of like import,
9 "psychometry", "psychometrics", "psychometrist", "psychotherapy", "psychotherapists",
10 "psychoanalysis", "psychoanalyst", or variants thereof or when the person purports to be trained,
11 experienced or an expert in the field of psychology, and offers to render or renders services as
12 defined below to individuals, groups, organizations, or the public for a fee, monetary or
13 otherwise; provided, however, that professional counselors licensed to practice under this
14 chapter, or a physician licensed to practice pursuant to chapter 334, RSMo, who specializes in

15 psychiatry, may use any of such terms except "psychology", "psychological", or "psychologist"
16 so long as such is consistent with their respective licensing laws.

17 3. The "practice of psychology" within the meaning of this chapter is defined as the
18 observation, description, evaluation, interpretation, treatment, and modification of human
19 behavior by the application of psychological principles, methods, and procedures, for the purpose
20 of preventing, treating, or eliminating symptomatic, maladaptive, or undesired behavior and of
21 enhancing interpersonal relationships, work and life adjustment, personal effectiveness,
22 behavioral health, and mental health. The practice of psychology includes, but is not limited to,
23 psychometric or psychological testing and the evaluation or assessment of personal
24 characteristics, such as intelligence, personality, abilities, interests, aptitudes, and
25 neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis,
26 biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional
27 disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse,
28 disorders of habit or conduct, as well as the psychological aspects of physical illness, accident,
29 injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and
30 teaching and training of psychological competence. Psychological services may be rendered to
31 individuals, families, groups, and the public. The practice of psychology shall be construed
32 within the meaning of this definition without regard to whether payment is received for services
33 rendered. **In addition, for a licensed prescribing psychologist the practice of psychology**
34 **shall include the authority to prescribe medication. Such prescriptive authority practices**
35 **include writing orders for psychotropic medicine, including stimulants and those standard**
36 **off-label medications as included as the accepted standard of practice for psychology and**
37 **medicine, and any psychological treatment or laboratory testing. Authority to order**
38 **electrical convulsive therapy is not granted by the provisions of this subsection.**

39 4. The application of these principles and methods includes, but is not restricted to:
40 diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and
41 mental disturbances of individuals and groups; hypnosis; counseling; educational and vocational
42 counseling; personnel selection and management; the evaluation and planning for effective work
43 and learning situations; advertising and market research; and the resolution of interpersonal and
44 social conflicts.

337.020. 1. Each person desiring to obtain a license, whether temporary, provisional or
2 permanent, as a psychologist shall make application to the committee upon such forms and in
3 such manner as may be prescribed by the committee and shall pay the required application fee.
4 The application fee shall not be refundable. Each application shall contain a statement that it is
5 made under oath or affirmation and that its representations are true and correct to the best

6 knowledge and belief of the person signing the application, subject to the penalties of making
7 a false affidavit or declaration.

8 2. Each applicant, whether for temporary, provisional or permanent licensure, shall
9 submit evidence satisfactory to the committee that the applicant is at least twenty-one years of
10 age, is of good moral character, and meets the appropriate educational requirements as set forth
11 in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant
12 to section 337.029. In determining the acceptability of the applicant's qualifications, the
13 committee may require evidence that it deems reasonable and proper, in accordance with law,
14 and the applicant shall furnish the evidence in the manner required by the committee.

15 3. The committee with assistance from the division shall issue a permanent license to
16 and register as a psychologist any applicant who, in addition to having fulfilled the other
17 requirements of sections 337.010 to 337.090, passes the examination for professional practice
18 in psychology and such other examinations in psychology which may be adopted by the
19 committee, except that an applicant fulfilling the requirement of section 337.029 shall upon
20 successful completion of the jurisprudence examination and completion of the oral examination
21 be permanently licensed without having to retake the examination for professional practice in
22 psychology.

23 4. The committee, with assistance from the division, shall issue a provisional license to,
24 and register as being a provisionally licensed psychologist, any applicant who is a graduate of
25 a recognized educational institution with a doctoral degree in psychology as defined in section
26 337.025, and who otherwise meets all requirements to become a licensed psychologist, except
27 for passage of the national and state licensing exams, oral examination and completion of the
28 required period of postdegree supervised experience as specified in subsection 2 of section
29 337.025.

30 5. A provisional license issued pursuant to subsection 4 of this section shall only
31 authorize and permit the applicant to render those psychological services which are under the
32 supervision and the full professional responsibility and control of such person's postdoctoral
33 degree licensed supervisor. A provisional license shall automatically terminate upon issuance
34 of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant
35 to section 337.035, upon the expiration of one year from the date of issuance whichever event
36 first occurs, or upon termination of supervision by the licensed supervisor. The provisional
37 license may be renewed after one year with a maximum issuance of two years total per
38 provisional licensee. The committee by rule shall provide procedures for exceptions and
39 variances from the requirement of a maximum issuance of two years due to vacations, illness,
40 pregnancy and other good causes.

41 6. The committee, with assistance from the division, shall immediately issue a temporary
42 license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by
43 endorsement of the score from the examination for professional practice in psychology upon
44 receipt of an application for such licensure and upon proof that the applicant is either licensed
45 as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional
46 Psychology, or is a member of the National Register of Health Services Providers in Psychology.

47 7. A temporary license issued pursuant to subsection 6 of this section shall authorize the
48 applicant to practice psychology in this state, the same as if a permanent license had been issued.
49 Such temporary license shall be issued without payment of an additional fee and shall remain in
50 full force and effect until the earlier of the following events:

51 (1) A permanent license has been issued to the applicant following successful completion
52 of the jurisprudence examination and the oral interview examination;

53 (2) In cases where the committee has found the applicant ineligible for licensure and no
54 appeal has been taken to the administrative hearing commission, then at the expiration of such
55 appeal time; or

56 (3) In cases where the committee has found the applicant ineligible for licensure and the
57 applicant has taken an appeal to the administrative hearing commission and the administrative
58 hearing commission has also found the applicant ineligible, then upon the rendition by the
59 administrative hearing commission of its findings of fact and conclusions of law to such effect.

60 **8. The committee, with assistance from the division, shall issue a prescribing**
61 **psychologist license to and register as a licensed prescribing psychologist any person who**
62 **in addition to being a licensed psychologist and a certified health service provider also**
63 **meets the training, education, experience, and examination requirements necessary for**
64 **licensure as a prescribing psychologist promulgated by the division under section 337.031.**

65 **9.** Written and oral examinations pursuant to sections 337.010 to 337.090 shall be
66 administered by the committee at least twice each year to any applicant who meets the
67 educational requirements set forth in either section 337.021 or 337.025 or to any applicant who
68 is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the
69 score from the examination of professional practice in psychology. The committee shall examine
70 in the areas of professional knowledge, techniques and applications, research and its
71 interpretation, professional affairs, ethics, and Missouri law and regulations governing the
72 practice of psychology. The committee may use, in whole or in part, the examination for
73 professional practice in psychology national examination in psychology or such other national
74 examination in psychology which may be available.

75 [9.] **10.** If an applicant fails any examination, the applicant shall be permitted to take a
76 subsequent examination, upon the payment of an additional reexamination fee. This
77 reexamination fee shall not be refundable.

**337.031. 1. The provisions of this section shall govern the training, education,
2 experience, and examination requirements necessary for licensure as a prescribing
3 psychologist.**

**4 2. The division shall promulgate rules establishing requirements necessary for
5 licensure as a prescribing psychologist which shall include requirements that the applicant
6 for licensure as a prescribing psychologist:**

**7 (1) Complete a minimum of at least three hundred hours of didactic educational
8 instruction consistent with the model curriculum standards for prescriptive authority as
9 currently recommended by the American Psychological Association;**

**10 (2) Complete a one-year supervised fellowship. The fellow shall be supervised
11 weekly and maintain a full-time caseload of patients during the year, and duties shall
12 include medication management, psychological evaluations, and therapeutic services;**

**13 (3) Pass a national examination testing competency to engage in the practice of
14 prescriptive authority such as the examination offered by the American Psychological
15 Association Practice Organization's College of Professional Psychology or the International
16 College of Prescribing Psychologists Examination with passage levels for any such national
17 examination to be based on recommendations from the committee;**

**18 (4) Complete a minimum of one calendar year of supervision with a physician after
19 the prescribing license has been achieved; and**

**20 (5) Maintain medical liability insurance at levels appropriate to the profession both
21 during the training period and thereafter.**

**22 3. In addition to the requirements for licensure under subsection 2 of this section
23 the division may promulgate rules establishing additional requirements for licensure as a
24 prescribing psychologist that are based on current educational guidelines stated in the
25 American Psychological Association's publication of Recommended Postdoctoral Training
26 in Psychopharmacology for Prescription Privileges. Such additional requirements shall
27 relate to any number of the following didactic subject areas and preceptorship-supervision
28 models:**

29 (1) Pharmacology/psychopharmacology: child, adult, geriatric, general clinical:

**30 (a) Pharmacokinetics and pharmacodynamics, drug interactions, side effects,
31 substance abuse; and**

32 (b) Serology, laboratory and maintenance of therapeutic drug levels;

33 (2) Related sciences:

- 34 (a) Neuroanatomy, neurophysiology, neurochemistry; and
35 (b) Pathophysiology, organ, and anatomy systems of functioning and
36 nonfunctioning and metabolism/biotransformation;
37 (3) Treatment applications:
38 (a) Consultation with other professionals;
39 (b) Ethics and professional issues; and
40 (c) Computer-enhanced record and history accountability.

41 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
42 that is created under the authority delegated in this section shall become effective only if
43 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
44 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
45 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
46 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
48 adopted after August 28, 2007, shall be invalid and void.

337.032. Any licensed prescribing psychologist shall for the first year after licensure
2 as a prescribing psychologist perform all prescribing under a collaborative practice
3 agreement with a physician licensed under chapter 334, RSMo. After completion of the
4 one-year physician collaborative practice agreement, the prescribing psychologist shall
5 maintain communication with a physician to make provision for the diagnosis and
6 treatment of medical problems by a physician licensed under chapter 334, RSMo.

338.198. Other provisions of law to the contrary notwithstanding, a pharmacist may fill
2 a physician's prescription, a **prescription of a licensed prescribing psychologist**, or the
3 prescription of an advanced practice nurse working under a collaborative practice arrangement
4 with a physician, when it is forwarded to the pharmacist by a registered professional nurse or
5 registered physician's assistant or other authorized agent. The written collaborative practice
6 arrangement shall specifically state that the registered professional nurse or registered physician
7 assistant is permitted to authorize a pharmacist to fill a prescription on behalf of the physician.

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