

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 536
95TH GENERAL ASSEMBLY

1246L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.050, and 338.198, RSMo, and to enact in lieu thereof eight new sections relating to psychologist licensing.

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

Section A. Sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.050, and
2 338.198, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.031, 337.050, and 338.198, to read
4 as follows:

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to
2 administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in
3 the course of his or her professional practice only, may prescribe, administer, and dispense
4 controlled substances or he or she may cause the same to be administered or dispensed by an
5 individual as authorized by statute.

6 2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not
7 a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo,
8 who holds a certificate of controlled substance prescriptive authority from the board of nursing
9 under section 335.019, RSMo, and who is delegated the authority to prescribe controlled
10 substances under a collaborative practice arrangement under section 334.104, RSMo, may
11 prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.
12 However, no such certified advanced practice registered nurse shall prescribe controlled
13 substance for his or her own self or family. Schedule III narcotic controlled substance
14 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

15 3. A veterinarian, in good faith and in the course of his professional practice only, and
16 not for use by a human being, may prescribe, administer, and dispense controlled substances and

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.

17 he may cause them to be administered by an assistant or orderly under his direction and
18 supervision.

19 4. **A prescribing psychologist licensed under section 337.015, RSMo, in good faith**
20 **and in the course of professional practice only, may prescribe psychotropic drugs as**
21 **referenced in subsection 4 of section 337.015, RSMo. Such prescribing psychologist shall**
22 **not purchase, administer, or dispense any medication.**

23 5. A practitioner shall not accept any portion of a controlled substance unused by a
24 patient, for any reason, if such practitioner did not originally dispense the drug.

25 [5.] 6. An individual practitioner may not prescribe or dispense a controlled substance
26 for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial
2 container unless such container bears a label containing an identifying symbol for such substance
3 in accordance with federal laws.

4 2. It shall be unlawful for any manufacturer of any controlled substance to distribute such
5 substance unless the labeling thereof conforms to the requirements of federal law and contains
6 the identifying symbol required in subsection 1 of this section.

7 3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to
8 or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such
9 narcotic or dangerous drug to any person other than the patient.

10 4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a
11 wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall
12 securely affix to each package in which that drug is contained a label showing in legible English
13 the name and address of the vendor and the quantity, kind, and form of controlled substance
14 contained therein. No person except a pharmacist for the purpose of filling a prescription under
15 sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

16 5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on
17 a prescription issued by a physician, dentist, podiatrist, veterinarian, **licensed prescribing**
18 **psychologist**, or advanced practice registered nurse, he shall affix to the container in which such
19 drug is sold or dispensed a label showing his own name and address of the pharmacy or
20 practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal,
21 the name of the owner of the animal and the species of the animal; the name of the physician,
22 dentist, podiatrist, advanced practice registered nurse, [or] veterinarian, **or licensed prescribing**
23 **psychologist** by whom the prescription was written; the name of the collaborating physician if
24 the prescription is written by an advanced practice registered nurse, and such directions as may
25 be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

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 insurance, financial institutions and professional
4 registration;

5 (3) "Division", the division of professional registration;

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;

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.

34 4. **For a licensed prescribing psychologist, the practice of psychology shall include**
35 **the authority to prescribe but not purchase, administer, or dispense medication. This**
36 **authority shall include Schedule II stimulants and Schedule IV benzodiazepines. Such**
37 **psychologists may also prescribe antianxiety drugs, antidepressants, antiepileptics,**
38 **antipsychotics, cognitive enhancers, and mood stabilizers. Standard medications for the**
39 **limited treatment of side effects of authorized psychotropic medications are also**

40 **authorized. Licensed prescribing psychologists shall not prescribe other controlled**
41 **substances. Laboratory testing of blood and urine are authorized to monitor treatment.**
42 **Authority to order electro-convulsive therapy is not granted by the provisions of this**
43 **subsection.**

44 5. The application of these principles and methods includes, but is not restricted to:
45 diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and
46 mental disturbances of individuals and groups; hypnosis; counseling; educational and vocational
47 counseling; personnel selection and management; the evaluation and planning for effective work
48 and learning situations; advertising and market research; and the resolution of interpersonal and
49 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 four hundred hours of didactic educational instruction**
8 **consistent with the model curriculum standards for prescriptive authority as currently**
9 **established by the American Psychological Association and which meets or exceeds the**
10 **biomedical education requirements established for physicians assistants under section**
11 **334.735, RSMo, or complete a post-doctoral masters degree in psychopharmacology;**

12 **(2) Complete a one-year supervised fellowship. The psychologist shall have weekly**
13 **supervision by a physician and maintain a full-time caseload of patients during the year,**
14 **with duties that shall include medication management, psychological evaluations, and**
15 **therapeutic services;**

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

21 (4) Be awarded a prescribing psychologist's license following the satisfactory
22 completion of the one year supervised fellowship and passage of the national examination
23 referenced in subdivisions (2) and (3) of this subsection;

24 (5) Enter into a collaborative practice arrangement with a physician licensed under
25 chapter 334, RSMo;

26 (a) Collaborative practice arrangements entered into under this subdivision shall
27 be in writing and may delegate to a psychologist the authority to prescribe drugs if the
28 psychologist is a prescribing psychologist as defined in subdivision (4) of section 337.010.
29 Such collaborative practice arrangements shall be in the form of written agreements,
30 jointly agreed-upon protocols, standing orders for the delivery of mental health treatment,
31 and requirements for review of prescribing services;

32 (b) The state board of registration for the healing arts under section 334.125,
33 RSMo, and the state committee of psychologists under section 337.050, shall jointly
34 promulgate rules regulating the use of collaborative practice arrangements governed by
35 this subdivision. Such rules shall be limited to specifying geographic areas to be covered
36 and the methods of treatment that may be covered by collaborative practice arrangements
37 and shall not mandate particular requirements for review of prescribing services. In order
38 to take effect, such rules shall be approved by a majority vote of a quorum of each board.
39 Neither the state board of registration for the health arts nor the state committee of
40 psychologists may separately promulgate rules relating to collaborative practice
41 arrangements. Such jointly promulgated rules shall be consistent with guidelines for
42 federally funded clinics. The rulemaking authority granted in this subdivision shall not
43 extend to collaborative practice arrangements of hospital employees providing inpatient
44 care within hospitals as defined under chapter 197, RSMo;

45 (c) The state board of registration for the healing arts shall not deny, revoke,
46 suspend, or otherwise take disciplinary action against a physician for mental health care
47 services provided by a prescribing psychologist, provided the provisions of this subdivision
48 and the rules promulgated thereunder are satisfied;

49 (d) Within thirty days of any change and on each renewal, the state board of
50 registration for the healing arts shall require every physician to identify whether the
51 physician is engaged in any collaborative practice agreement under this subsection and also
52 report to the board the name of each licensed professional with whom the physician has
53 entered into such agreement. The board may make this information available to the
54 public. The board shall track the reported information and may routinely conduct random
55 reviews of such agreements to ensure that agreements are carried out for compliance under
56 this subdivision;

57 **(6) Maintain medical liability insurance at levels appropriate to the profession both**
58 **during the training period and thereafter.**

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

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

67 **(a) Pharmacokinetics and pharmacodynamics, drug interactions, side effects,**
68 **substance abuse; and**

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

70 **(2) Related sciences:**

71 **(a) Neuroanatomy, neurophysiology, neurochemistry; and**

72 **(b) Pathophysiology, organ, and anatomy systems of functioning and**
73 **nonfunctioning and metabolism/biotransformation;**

74 **(3) Treatment applications:**

75 **(a) Consultation with other professionals;**

76 **(b) Ethics and professional issues; and**

77 **(c) Computer-enhanced record and history accountability.**

78 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
79 **that is created under the authority delegated in this section shall become effective only if**
80 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
81 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
82 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
83 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
84 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
85 **adopted after August 28, 2009, shall be invalid and void.**

337.050. 1. There is hereby created and established a "State Committee of
2 Psychologists", which shall consist of seven licensed psychologists and one public member. The
3 state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this
4 section shall be construed to prevent the appointment of any current member of the state
5 committee of psychologists to the new state committee of psychologists created on August 28,
6 1989.

7 2. Appointments to the committee shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of the senate. The
9 division, prior to submitting nominations, shall solicit nominees from professional psychological
10 associations and licensed psychologists in the state. The term of office for committee members
11 shall be five years, and committee members shall not serve more than ten years. No person who
12 has previously served on the committee for ten years shall be eligible for appointment. In
13 making initial appointments to the committee, the governor shall stagger the terms of the
14 appointees so that two members serve initial terms of two years, two members serve initial terms
15 of three years, and two members serve initial terms of four years.

16 3. Each committee member shall be a resident of the state of Missouri for one year, shall
17 be a United States citizen, and shall, other than the public member, have been licensed as a
18 psychologist in this state for at least three years. Committee members shall reflect a diversity
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,
20 the committee shall consist of at least two psychologists who are engaged full time in the
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged
22 full time in the professional practice of psychology. In addition, the first appointment to the
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's
24 degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall
25 be construed to prohibit full membership rights on the committee for psychologists licensed on
26 the basis of a master's degree. If a member of the committee shall, during the member's term as
27 a committee member, remove the member's domicile from the state of Missouri, then the
28 committee shall immediately notify the director of the division, and the seat of that committee
29 member shall be declared vacant. All such vacancies shall be filled by appointment of the
30 governor with the advice and consent of the senate, and the member so appointed shall serve for
31 the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen
33 of the United States; a resident of this state for a period of one year and a registered voter; a
34 person who is not and never was a member of any profession licensed or regulated pursuant to
35 sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and
36 never has had a material, financial interest in either the providing of the professional services
37 regulated by sections 337.010 to 337.093, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the
39 public member shall not include the determination of the technical requirements to be met for
40 licensure or whether any person meets such technical requirements or of the technical
41 competence or technical judgment of a licensee or a candidate for licensure.

42 5. The committee shall hold a regular annual meeting at which it shall select from among
43 its members a chairperson and a secretary. A quorum of the committee shall consist of a
44 majority of its members. In the absence of the chairperson, the secretary shall conduct the office
45 of the chairperson.

46 6. Each member of the committee shall receive, as compensation, an amount set by the
47 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall
48 be entitled to reimbursement for necessary and actual expenses incurred in the performance of
49 the member's official duties.

50 7. Staff for the committee shall be provided by the director of the division of professional
51 registration.

52 8. The governor may remove any member of the committee for misconduct, inefficiency,
53 incompetency, or neglect of office.

54 9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the
55 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to
56 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may
57 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which
58 rules shall be based upon the ethical principles promulgated and published by the American
59 Psychological Association.

60 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
61 is promulgated to administer and enforce sections 337.010 to 337.090, shall become effective
62 only if the agency has fully complied with all of the requirements of chapter 536, RSMo,
63 including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All
64 rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed
65 as of August 28, 1998, however nothing in this act shall be interpreted to repeal or affect the
66 validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of
67 section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the
68 powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay
69 the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional
70 or invalid, the purported grant of rulemaking authority and any rule so proposed and contained
71 in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect
72 the validity of any rule adopted and promulgated prior to August 28, 1998.

73 11. The committee may sue and be sued in its official name, and shall have a seal which
74 shall be affixed to all certified copies or records and papers on file, and to such other instruments
75 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records
76 and proceedings of the committee, and of all papers on file with the division on behalf of the
77 committee certified under the seal shall be received as evidence in all courts of record.

78 12. When applying for a renewal of a license pursuant to section 337.030, each licensed
79 psychologist shall submit proof of the completion of at least forty hours of continuing education
80 credit within the two-year period immediately preceding the date of the application for renewal
81 of the license. The type of continuing education to be considered shall include, but not be
82 limited to:

83 (1) Attending recognized educational seminars, the content of which are primarily
84 psychological, as defined by rule;

85 (2) Attending a graduate level course at a recognized educational institution where the
86 contents of which are primarily psychological, as defined by rule;

87 (3) Presenting a recognized educational seminar, the contents of which are primarily
88 psychological, as defined by rule;

89 (4) Presenting a graduate level course at a recognized educational institution where the
90 contents of which are primarily psychological, as defined by rule; and

91 (5) Independent course of studies, the contents of which are primarily psychological,
92 which have been approved by the committee and defined by rule.

93

94 **Those psychologists holding licensed prescribing authorization shall complete at least**
95 **twenty hours of psychopharmacology continuing education credit within the two-year**
96 **period immediately preceding the date of the application for renewal of the license in**
97 **addition to the general forty-hour continuing education requirements of this subsection.**

98 The committee shall determine by administrative rule the amount of training, instruction,
99 self-instruction or teaching that shall be counted as an hour of continuing education credit.

 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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