
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1000 Session of
2023

INTRODUCED BY FRANKEL, MADDEN, SANCHEZ, BOROWSKI, BRENNAN,
KRUEGER, KINSEY, McANDREW, CERRATO, INNAMORATO, KINKEAD,
STEELE, STRUZZI, CONKLIN, HARKINS, ISAACSON, DONAHUE, O'MARA,
SALISBURY, GALLOWAY, SHUSTERMAN, BOYLE, MAYES, DEASY, GREEN,
KRAJEWSKI, DALEY, FLEMING AND ROWE, JUNE 23, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 23, 2023

AN ACT

1 Amending the act of March 23, 1972 (P.L.136, No.52), entitled
2 "An act relating to the practice of psychology, providing for
3 licensing of psychologists, making certain acts illegal and
4 providing penalties," further providing for definitions, for
5 State Board of Psychology and for powers of the board;
6 providing for prescription certificate, for prescribing and
7 administrative practices and for controlled substances; and
8 further providing for refusal, suspension or revocation of
9 license, for reporting of multiple licensure and for
10 penalties and injunctions against unlawful practice.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definition of "practice of psychology" in
14 section 2 of the act of March 23, 1972 (P.L.136, No.52), known
15 as the Professional Psychologists Practice Act, is amended and
16 the section is amended by adding definitions to read:

17 Section 2. Definitions.--As used in this act:

18 * * *

19 "Collaborative relationship" means a cooperative working
20 relationship between a prescribing psychologist and the

1 patient's primary care provider in the provision of patient
2 care, including cooperation in the management and delivery of
3 physical and mental health care to ensure optimal patient care.

4 * * *

5 "Controlled substance" means a controlled substance as
6 defined in the act of April 14, 1972 (P.L.233, No.64), known as
7 the "Controlled Substance, Drug, Device and Cosmetic Act."

8 "Drug" means a drug as defined in the "Controlled Substance,
9 Drug, Device and Cosmetic Act."

10 * * *

11 "Practice of psychology" means offering to render or
12 rendering to individuals, corporations, institutions,
13 governmental agencies, or the public for remuneration any
14 service involving the following:

15 (i) The application of established principles of learning,
16 motivation, perception, thinking, and emotional relationships to
17 problems of personality evaluation, group relations, and
18 behavior adjustment. The application of said principles
19 includes, but is not restricted to, counseling and the use of
20 psychological methods with persons or groups with adjustment
21 problems in the areas of work, family, school, and personal
22 relationships; measuring and testing of personality,
23 intelligence, aptitudes, and emotions, and offering services as
24 a psychological consultant. Psychologists with appropriate
25 education, training and experience may diagnose [and], use
26 psychological methods and prescribe medication in the treatment
27 of a mental, emotional or nervous illness or disability;
28 alcoholism and other substance abuse; disorders of habit or
29 conduct; psychological aspects of physical illness, accident,
30 injury or disability; and psychoeducational evaluation, therapy,

1 remediation and consultation.

2 (ii) (a) "Measuring and testing," consisting of the
3 psychological assessment and evaluation of abilities, attitudes,
4 aptitudes, achievements, adjustments, motives, personality
5 dynamics and/or other psychological attributes of individuals,
6 or groups of individuals by means of standardized measurements
7 or other methods, techniques or procedures recognized by the
8 science and profession of psychology, (b) "psychological
9 methods," consisting of the application of principles of
10 learning and motivation in an interpersonal situation with the
11 objectives of modification of perception and adjustment, and
12 requiring highly developed skills in the disciplines,
13 techniques, and methods of altering through learning processes,
14 attitudes, feelings, values, self-concept, personal goals and
15 adaptive patterns, (c) "psychological consulting," consisting of
16 interpreting or reporting upon scientific fact or theory in
17 psychology, rendering expert psychological opinion,
18 psychological evaluation, or engaging in applied psychological
19 research.

20 * * *

21 "Prescribing psychologist" means a psychologist licensed in
22 this Commonwealth who holds a current valid prescription
23 certificate.

24 "Prescription" means a written or oral order for a drug,
25 laboratory test or any medicines, devices or treatments,
26 including controlled substances as defined by State law.

27 "Prescription certificate" means a document issued by the
28 board that permits the holder to prescribe a drug or controlled
29 substance pursuant to this act.

30 "Prescriptive authority" pertaining only for prescribing

1 psychologists, means the authority to prescribe, administer,
2 discontinue or distribute without charge, drugs or controlled
3 substances recognized in or customarily used in the diagnosis,
4 treatment and management of individuals with psychiatric,
5 mental, cognitive, nervous, developmental, emotional or behavior
6 disorders; this includes the authority to order necessary
7 laboratory tests, diagnostic examinations and procedures
8 directly related thereto in accordance with rules and
9 regulations adopted by the board.

10 "Primary care provider" means a primary care provider as
11 defined in the act of May 17, 1921 (P.L.682, No.284), known as
12 "The Insurance Company Law of 1921."

13 "Psychopharmacology clinical practical experience" means a
14 period of supervised clinical training and practice in which
15 clinical diagnoses and interventions employing medication are
16 learned and which are conducted and supervised as part of the
17 training program.

18 "Telemedicine" means the delivery of health care services to
19 a patient by a health care provider who is at a different
20 location through synchronous interactions, asynchronous
21 interactions or remote patient monitoring that meet the
22 requirements of the Health Insurance Portability and
23 Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936),
24 the Health Information Technology for Economic and Clinical
25 Health Act (Public Law 111-5, 123 Stat. 226-279 and 467-497) or
26 other applicable Federal or State law regarding the privacy and
27 security of electronic transmission of health information. The
28 term does not include:

29 (i) The provision of health care services solely through the
30 use of voicemail, facsimile, email or instant messaging or a

1 combination thereof.

2 (ii) A provider-to-provider consultation.

3 Section 2. Section 3.1(a) of the act is amended to read:

4 Section 3.1. State Board of Psychology.--(a) The State
5 Board of Psychology shall consist of [~~nine~~] eleven members who
6 are citizens of the United States and who have been residents of
7 this Commonwealth for a three-year period. [~~Eight~~] Ten members
8 are to be appointed by the Governor, with the advice and consent
9 of a majority of the members elected to the Senate, and the
10 Commissioner of Professional and Occupational Affairs shall
11 serve as the [~~ninth~~] eleventh member of the board. Two members
12 shall be appointed as representatives of the public at large.
13 [~~Six~~] Eight members shall be appointed who shall hold current
14 valid licenses to practice psychology in this Commonwealth and
15 shall be broadly representative of the practice areas of
16 psychology, at least two of these members shall be prescribing
17 psychologists.

18 * * *

19 Section 3. Section 3.2(3) of the act is amended and the
20 section is amended by adding a clause to read:

21 Section 3.2. Powers of the Board.--The board shall have the
22 following powers:

23 * * *

24 (3) To examine for, deny, approve, issue, revoke, suspend,
25 restrict, limit and renew the licenses of psychologist
26 applicants and the prescription certificate for prescribing
27 psychologists pursuant to this act and to conduct hearings in
28 connection therewith.

29 * * *

30 (7) To keep a list of prescribing psychologists containing

1 the following information:

2 (i) the name of the psychologist;

3 (ii) the psychologist's identification number assigned by
4 the board;

5 (iii) the psychologist's Drug Enforcement Agency (DEA)
6 number; and

7 (iv) the effective date a prescribing psychologist obtained
8 their prescriptive authority.

9 Section 4. The act is amended by adding sections to read:

10 Section 6.1. Prescription Certificate.--(a) To qualify for
11 a prescription certificate, a psychologist shall hold a current
12 valid license in this Commonwealth and meet such minimum
13 requirements as prescribed by rule of the board. At the minimum,
14 these requirements shall include:

15 (1) a current valid doctoral level license to practice
16 psychology in this Commonwealth;

17 (2) a master's degree in clinical psychopharmacology from an
18 accredited institution of higher education. The necessary
19 prerequisites for the education shall be determined by the
20 institution that offers the degree and which in that
21 institution's judgment shall include sufficient biomedical
22 education to ensure the necessary knowledge and skills to
23 prescribe drugs and controlled substances in a safe manner. The
24 psychologist must have completed an organized sequence of study
25 in an organized program offering intensive didactic education
26 including, but not limited to, the following coursework which
27 shall include the following core areas of instruction:

28 (i) basic science;

29 (ii) functional neurosciences;

30 (iii) physical examination;

1 (iv) interpretation of laboratory tests;

2 (v) pathological basis of disease;

3 (vi) clinical medicine;

4 (vii) clinical neurotherapeutics;

5 (viii) systems of care;

6 (ix) pharmacology;

7 (x) clinical pharmacology;

8 (xi) psychopharmacology;

9 (xii) psychopharmacology research; and

10 (xiii) professional ethical and legal issues.

11 The didactic portion of the education shall consist of an
12 appropriate number of hours to ensure acquisition of the
13 necessary knowledge and skills to prescribe in a safe and
14 effective manner;

15 (3) passing a national certification examination developed
16 by a nationally recognized body and approved by the board;

17 (4) possessing professional liability insurance that covers
18 the prescribing of psychotropic medication and controlled
19 substances;

20 (5) completing psychopharmacology clinical practical
21 experience to attain competency in the psychopharmacological
22 treatment of a diverse patient population under the direction
23 of a physician or prescribing psychologist as determined by the
24 board; and

25 (6) any other standards or requirements deemed necessary by
26 the board.

27 (b) A prescribing psychologist from another state or
28 jurisdiction may apply for a prescription certificate in this
29 Commonwealth provided that the board deems the education and
30 psychopharmacology clinical practical experience equivalent to

1 the requirements of this section. The board may, at its
2 discretion, require the applicant to complete supplemental
3 education or psychopharmacology clinical practical experience or
4 both.

5 (c) The following shall apply:

6 (1) The board shall prescribe by regulations the procedures
7 for renewing the prescription certificate.

8 (2) Prescribing psychologists shall complete a minimum of an
9 additional sixteen hours of continuing medical education or
10 continuing education per renewal period relevant to the practice
11 of a prescribing psychologist. These continuing education
12 credits are in addition to credits required to renew a
13 psychologist license.

14 Section 6.2. Prescribing and Administrative Practices.--(a)
15 A prescribing psychologist may:

16 (1) Prescribe drugs or a controlled substance through the
17 use of telemedicine.

18 (2) Prescribe and administer drugs or a controlled substance
19 within the prescriptive authority of a prescribing psychologist.

20 (b) When prescribing drugs or a controlled substance to a
21 patient, the prescribing psychologist shall maintain an ongoing
22 collaborative relationship with the primary care provider who
23 oversees the patient's general medical care to ensure that
24 necessary medical examinations are conducted, the drug or
25 controlled substance is appropriate for the patient's medical
26 condition and significant changes in the patient's medical or
27 psychological conditions are discussed and monitored.

28 (c) A prescribing psychologist shall obtain a release of
29 information from a patient or the patient's legal guardian
30 authorizing the prescribing psychologist to contact the

1 patient's primary care provider, as required by law. If a
2 patient's legal guardian refuses to sign a release of
3 information for the patient's primary care provider who oversees
4 the patient, the prescribing psychologist shall:

5 (1) Inform the patient or the patient's legal guardian that
6 the prescribing psychologist cannot treat the patient
7 pharmacologically without an ongoing collaborative relationship
8 with the patient's primary care provider.

9 (2) Refer the patient to the primary care provider.

10 (d) Before prescribing or administering a drug or controlled
11 substance to a patient, a prescribing psychologist shall
12 communicate to the patient's primary care provider the intent to
13 prescribe or administer the drug or controlled substance and
14 must receive electronic written agreement or oral confirmation
15 from the primary care provider that the prescription for or
16 administering of the drug or controlled substance is
17 appropriate.

18 (e) If a patient does not have a primary care provider, the
19 prescribing psychologist shall refer the patient to a primary
20 care provider prior to psychopharmacological treatment. The
21 prescribing psychologist must receive the results of the primary
22 care provider's assessment and shall contact the primary care
23 provider who conducted the assessment and establish a
24 collaborative relationship prior to prescribing drugs or
25 controlled substances to the patient.

26 (f) A prescribing psychologist shall not issue a
27 prescription unless the prescribing psychologist holds a current
28 valid certificate for prescriptive authority. A prescribing
29 psychologist may not prescribe a narcotic, except an opioid
30 antagonist or opioid partial agonist approved by the United

1 States Food and Drug Administration for the treatment of drug
2 addiction, the prevention of relapse of drug addiction or both.

3 (g) Each prescription issued by the prescribing psychologist
4 shall:

5 (1) Comply with all applicable Federal and State law and
6 regulations.

7 (2) Be identified as written by the prescribing psychologist
8 in such a manner as determined by the board.

9 (3) Be maintained in the patient's record.

10 (h) A prescribing psychologist may not delegate the
11 authority to prescribe to any other person.

12 Section 6.3. Controlled Substances.--When authorized to
13 prescribe controlled substances, psychologists authorized to
14 prescribe shall file in a timely manner their Drug Enforcement
15 Agency (DEA) registration and number with the board.

16 Section 5. Sections 8(a)(7), (10), (13) and (b)(6), 8.1 and
17 11 of the act are amended to read:

18 Section 8. Refusal, Suspension or Revocation of License.--

19 (a) The board may refuse to issue a license or may suspend,
20 revoke, limit or restrict a license or reprimand a licensee for
21 any of the following reasons:

22 * * *

23 (7) Having a license to practice psychology or prescription
24 certificate suspended, revoked or refused or receiving other
25 disciplinary action by the proper psychology licensing authority
26 of another state, territory or country.

27 * * *

28 (10) Knowingly aiding, assisting, procuring or advising any
29 unlicensed person to practice psychology or practice as a
30 prescribing psychologist, contrary to this act or regulations of

1 the board.

2 * * *

3 (13) Failing to perform any statutory obligation placed upon
4 a licensed psychologist or prescribing psychologist.

5 * * *

6 (b) When the board finds that the license or application for
7 license of any person may be refused, revoked, restricted or
8 suspended under the terms of subsection (a), the board may:

9 * * *

10 (6) Restore a suspended license to practice psychology or
11 prescription certificate and impose any disciplinary or
12 corrective measure which it might originally have imposed.

13 * * *

14 Section 8.1. Reporting of Multiple Licensure.--Any licensed
15 psychologist of this Commonwealth who is also licensed to
16 practice psychology or is a prescribing psychologist or another
17 health profession in any other state, territory or country shall
18 report this information to the board on the biennial
19 registration application. Any disciplinary action taken in any
20 other state, territory or country shall be reported to the board
21 on the biennial registration application or within ninety days
22 of disposition, whichever is sooner. Multiple licensure shall be
23 noted by the board on the psychologist's record or prescribing
24 psychologist's record, and such state, territory or country
25 shall be notified by the board of any disciplinary actions taken
26 against said psychologist in this Commonwealth.

27 Section 11. Penalties and Injunctions Against Unlawful
28 Practice.--(a) Any person who engages or offers to engage in
29 the practice of psychology without holding a currently valid
30 license as required by this act or any person who engages or

1 offers to engage as a prescribing psychologist without holding a
2 currently valid prescription certificate or any person or the
3 responsible officer or employe of any corporation or
4 partnership, institution or association who violates any of the
5 provisions of this act or any rule or regulation of the board
6 promulgated pursuant thereto, for a first offense shall be
7 guilty of a misdemeanor and upon conviction shall be sentenced
8 to pay a fine of not more than one thousand dollars (\$1,000) or
9 undergo imprisonment of not more than six months; and on each
10 additional offense shall be subject to a fine of not less than
11 two thousand dollars (\$2,000) or imprisonment of not less than
12 six months nor more than one year, or both.

13 (b) In addition to any other civil remedy or criminal
14 penalty provided for in this act, the board, by a vote of the
15 majority of the maximum number of the authorized membership of
16 the board as provided by law, or by a vote of the majority of
17 the duly qualified and confirmed membership or a minimum of four
18 members, whichever is greater, may levy a civil penalty of up to
19 one thousand dollars (\$1,000) on any current licensee who
20 violates any provision of this act or on any person who
21 practices psychology or as a prescribing psychologist, as
22 defined in this act, without being properly licensed or
23 certified to do so under this act. The board shall levy this
24 penalty only after affording the accused party the opportunity
25 for a hearing, as provided by Title 2 of the Pennsylvania
26 Consolidated Statutes (relating to administrative law and
27 procedure). All fines and civil penalties imposed in accordance
28 with this act shall be paid into the Professional Augmentation
29 Account.

30 (c) It shall be unlawful for any person to practice or

1 attempt to offer to practice psychology or practice as a
2 prescribing psychologist, as defined in this act, without having
3 at the time of so doing a valid, unexpired, unrevoked and
4 unsuspended license issued under this act. The unlawful practice
5 of psychology or practice as a prescribing psychologist, as
6 defined in this act, may be enjoined by the courts on petition
7 of the board or the Commissioner of Professional and
8 Occupational Affairs. In any such proceeding it shall not be
9 necessary to show that any person is individually injured by the
10 actions complained of. If the respondent is found guilty of the
11 unlawful practice of psychology or practice as a prescribing
12 psychologist, the court shall enjoin him or her from so
13 practicing unless and until he or she has been duly licensed or
14 certified. Procedure in such cases shall be the same as in any
15 other injunction suit. The remedy by injunction hereby given is
16 in addition to any other civil or criminal prosecution and
17 punishment.

18 Section 6. This act shall take effect in 60 days.