

Senate Engrossed

psychologists; prescribing authority

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1457

AN ACT

AMENDING TITLE 32, CHAPTER 13, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1459; AMENDING TITLE 32, CHAPTER 17, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1862; AMENDING SECTION 32-2061, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; AMENDING SECTION 36-2602, ARIZONA REVISED STATUTES; AMENDING SECTION 36-2604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 284, SECTION 1; REPEALING SECTION 36-2604, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 362, SECTION 12; AMENDING SECTION 36-2606, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF PSYCHOLOGIST EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 13, article 3, Arizona Revised
3 Statutes, is amended by adding section 32-1459, to read:

4 32-1459. Supervision authority

5 SUBJECT TO THE RULES ADOPTED BY THE BOARD, A PHYSICIAN MAY SUPERVISE
6 A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO CHAPTER 19.1 OF THIS TITLE AND
7 WHO HOLDS A CONDITIONAL PRESCRIPTION CERTIFICATE TO PRESCRIBE PSYCHOTROPIC
8 MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED STATES FOOD AND
9 DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO CHAPTER 19.1,
10 ARTICLE 5 OF THIS TITLE.

11 Sec. 2. Title 32, chapter 17, article 3, Arizona Revised Statutes,
12 is amended by adding section 32-1862, to read:

13 32-1862. Supervision authority

14 SUBJECT TO THE RULES ADOPTED BY THE BOARD, A PHYSICIAN MAY SUPERVISE
15 A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO CHAPTER 19.1 OF THIS TITLE AND
16 WHO HOLDS A CONDITIONAL PRESCRIPTION CERTIFICATE TO PRESCRIBE PSYCHOTROPIC
17 MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED STATES FOOD AND
18 DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO CHAPTER 19.1,
19 ARTICLE 5 OF THIS TITLE.

20 Sec. 3. Section 32-2061, Arizona Revised Statutes, is amended to
21 read:

22 32-2061. Definitions

23 In this chapter, unless the context otherwise requires:

24 1. "Active license" means a valid and existing license to practice
25 psychology.

26 2. "Adequate records" means records ~~containing~~ THAT CONTAIN, at a
27 minimum, sufficient information to identify the client or patient, the
28 dates of service, the fee for service, the payments for service, the type
29 of service given and copies of any reports that may have been made.

30 3. "Board" means the state board of psychologist examiners.

31 4. "Client" means a person or an entity that receives psychological
32 services. A corporate entity, a governmental entity or any other
33 organization may be a client if there is a professional contract to
34 provide services or benefits primarily to an organization rather than to
35 an individual. If an individual has a legal guardian, the legal guardian
36 is the client for decision-making purposes, except that the individual
37 receiving services is the client or patient for:

38 (a) Issues that directly affect the physical or emotional safety of
39 the individual, such as sexual or other exploitative relationships.

40 (b) Issues that the LEGAL guardian agrees to specifically reserve
41 to the individual.

42 5. "Committee on behavior analysts" means the committee established
43 by section 32-2091.15.

44 6. "CONDITIONAL PRESCRIPTION CERTIFICATE" MEANS A DOCUMENT THAT IS
45 ISSUED BY THE BOARD TO A PSYCHOLOGIST AND THAT ALLOWS THE PSYCHOLOGIST TO

1 PRESCRIBE PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE
2 UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS UNDER
3 THE SUPERVISION OF A PHYSICIAN PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

4 ~~6.~~ 7. "Exploit" means actions by a psychologist who takes undue
5 advantage of the professional association with a client or patient, a
6 student or a supervisee for the advantage or profit of the psychologist.

7 ~~7.~~ 8. "Health care institution" means a facility as defined in
8 section 36-401.

9 ~~8.~~ 9. "Letter of concern" means an advisory letter to notify a
10 psychologist that while there is insufficient evidence to support
11 disciplinary action the board believes the psychologist should modify or
12 eliminate certain practices and that continuation of the activities that
13 led to the information being submitted to the board may result in action
14 against the psychologist's license.

15 ~~9.~~ 10. "Patient" means a person who receives psychological
16 services. If an individual has a legal guardian, the legal guardian is
17 the client or patient for decision-making purposes, except that the
18 individual receiving services is the client or patient for:

19 (a) Issues that directly affect the physical or emotional safety of
20 the individual, such as sexual or other exploitative relationships.

21 (b) Issues that the LEGAL guardian agrees to specifically reserve
22 to the individual.

23 11. "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO
24 CHAPTER 13 OR 17 OF THIS TITLE.

25 ~~10.~~ 12. "Practice of psychology" means the psychological
26 assessment, diagnosis, treatment or correction of mental, emotional,
27 behavioral or psychological abilities, illnesses or disorders or
28 purporting or attempting to do this consistent with section 32-2076.

29 13. "PRESCRIBING PSYCHOLOGIST" MEANS A PSYCHOLOGIST WHO HOLDS A
30 VALID PRESCRIPTION CERTIFICATE.

31 14. "PRESCRIPTION CERTIFICATE" MEAN A DOCUMENT THAT IS ISSUED BY
32 THE BOARD TO A PSYCHOLOGIST AND THAT ALLOWS THE PSYCHOLOGIST TO PRESCRIBE
33 PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED
34 STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO
35 ARTICLE 5 OF THIS CHAPTER.

36 ~~11.~~ 15. "Psychologically incompetent" means a person ~~tacking in~~
37 WHO LACKS sufficient psychological knowledge or skills to a degree likely
38 to endanger the health of clients or patients.

39 ~~12.~~ 16. "Psychological service" means all actions of the
40 psychologist in the practice of psychology.

41 ~~13.~~ 17. "Psychologist" means a natural person ~~holding~~ WHO HOLDS a
42 license to practice psychology pursuant to this chapter.

43 18. "PSYCHOTROPIC MEDICATION" MEANS A CONTROLLED SUBSTANCE OR
44 DANGEROUS DRUG THAT MAY NOT BE DISPENSED OR ADMINISTERED WITHOUT A
45 PRESCRIPTION, WHOSE PRIMARY INDICATION FOR USE HAS BEEN APPROVED BY THE

1 UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS AND
2 THAT IS LISTED AS A PSYCHOTHERAPEUTIC AGENT IN THE MOST RECENT EDITION OF
3 DRUG FACTS AND COMPARISONS OR IN THE AMERICAN HOSPITAL FORMULARY SERVICE
4 DRUG INFORMATION.

5 ~~14.~~ 19. "Supervisee" means any person who functions under the
6 extended authority of the psychologist to provide, or while in training to
7 provide, psychological services.

8 ~~15.~~ 20. "Telepractice":

9 (a) Means providing psychological services through interactive
10 audio, video or electronic communication that occurs between the
11 psychologist and the patient or client, including any electronic
12 communication for diagnostic, treatment or consultation purposes in a
13 secure platform, and that meets the requirements of telehealth pursuant to
14 section 36-3602. ~~Telepractice~~

15 (b) Includes supervision.

16 ~~16.~~ 21. "Unprofessional conduct" includes the following activities
17 whether occurring in this state or elsewhere:

18 (a) Obtaining a fee by fraud or misrepresentation.

19 (b) Betraying professional confidences.

20 (c) Making or using statements of a character tending to deceive or
21 mislead.

22 (d) Aiding or abetting a person who is not licensed pursuant to
23 this chapter in representing that person as a psychologist.

24 (e) COMMITTING gross negligence in the practice of a psychologist.

25 (f) HAVING sexual intimacies or sexual intercourse with a current
26 client or patient or a supervisee or with a former client or patient
27 within two years after the cessation or termination of treatment. For the
28 purposes of this subdivision, "sexual intercourse" has the same meaning
29 prescribed in section 13-1401.

30 (g) Engaging or offering to engage as a psychologist in activities
31 that are not congruent with the psychologist's professional education,
32 training and experience.

33 (h) Failing or refusing to maintain and retain adequate business,
34 financial or professional records pertaining to the psychological services
35 provided to a client or patient.

36 (i) ~~Commission of~~ COMMITTING a felony, whether or not involving
37 moral turpitude, or a misdemeanor involving moral turpitude. In either
38 case, conviction by a court of competent jurisdiction or a plea of no
39 contest is conclusive evidence of the commission.

40 (j) Making a fraudulent or untrue statement to the board or its
41 investigators, staff or consultants.

42 (k) Violating any federal or state laws or rules that relate to the
43 practice of psychology or to obtaining a license to practice psychology.

- 1 (l) Practicing psychology while impaired or incapacitated to the
2 extent and in a manner that jeopardizes the welfare of the client or
3 patient or renders the psychological services provided ineffective.
- 4 (m) Using fraud, misrepresentation or deception to obtain or
5 attempt to obtain a psychology license or to pass or attempt to pass a
6 psychology licensing examination or in assisting another person to do so.
- 7 (n) COMMITTING unprofessional conduct in another jurisdiction that
8 resulted in censure, probation or a civil penalty or in the denial,
9 suspension, restriction or revocation of a certificate or license to
10 practice as a psychologist.
- 11 (o) Providing services that are unnecessary or unsafe or otherwise
12 engaging in activities as a psychologist that are unprofessional by
13 current standards of practice.
- 14 (p) Falsely or fraudulently claiming to have performed a
15 professional service, charging for a service or representing a service as
16 the licensee's own when the licensee has not rendered the service or
17 assumed supervisory responsibility for the service.
- 18 (q) Representing activities or services as being performed under
19 the licensee's supervision if the psychologist has not assumed
20 responsibility for them and has not exercised control, oversight and
21 review.
- 22 (r) Failing to obtain a client's or patient's informed and written
23 consent to release personal or otherwise confidential information to
24 another party unless the release is otherwise authorized by law.
- 25 (s) Failing to make client or patient records in the psychologist's
26 possession promptly available to another psychologist who is licensed
27 pursuant to this chapter on receipt of proper authorization to do so from
28 the client or patient, a minor client's or patient's parent, the client's
29 or patient's legal guardian or the client's or patient's authorized
30 representative or failing to comply with title 12, chapter 13,
31 article 7.1.
- 32 (t) Failing to take reasonable steps to inform or protect a
33 client's or patient's intended victim and inform the proper law
34 enforcement officials in circumstances in which the psychologist becomes
35 aware during the course of providing or supervising psychological services
36 that ~~a~~ THE client or patient intends or plans to inflict serious bodily
37 harm on another person.
- 38 (u) Failing to take reasonable steps to protect a client or patient
39 in circumstances in which the psychologist becomes aware during the course
40 of providing or supervising psychological services that ~~a~~ THE client or
41 patient intends or plans to inflict serious bodily harm on self.
- 42 (v) Abandoning or neglecting a client or patient in need of
43 immediate care without making suitable arrangements for continuation of
44 the care.

1 (w) Engaging in direct or indirect personal solicitation of clients
2 or patients through the use of coercion, duress, undue influence,
3 compulsion or intimidation practices.

4 (x) Engaging in false, deceptive or misleading advertising.

5 (y) Exploiting a client or patient, a student or a supervisee.

6 (z) Failing to report information to the board regarding a possible
7 act of unprofessional conduct committed by another psychologist who is
8 licensed pursuant to this chapter unless this reporting violates the
9 psychologist's confidential relationship with the client or patient
10 pursuant to section 32-2085. Any psychologist who reports or provides
11 information to the board in good faith is not subject to an action for
12 civil damages. For the purposes of this subdivision, it is not an act of
13 unprofessional conduct if a licensee addresses an ethical conflict in a
14 manner that is consistent with the ethical standards contained in the
15 document entitled "ethical principles of psychologists and code of
16 conduct" as adopted by the American psychological association and in
17 effect at the time the licensee makes the report.

18 (aa) Violating a formal board order, consent agreement, term of
19 probation or stipulated agreement issued under this chapter.

20 (bb) Failing to furnish information in a timely manner to the board
21 or its investigators or representatives if requested or subpoenaed by the
22 board as prescribed by this chapter.

23 (cc) Failing to make available to a client or patient or to the
24 client's or patient's designated representative, on written request, a
25 copy of the client's or patient's record, including raw test data,
26 psychometric testing materials and other information as provided by law.

27 (dd) Violating an ethical standard adopted by the board.

28 Sec. 4. Title 32, chapter 19.1, Arizona Revised Statutes, is
29 amended by adding article 5, to read:

30 ARTICLE 5. PSYCHOLOGISTS' PRESCRIBING AUTHORITY

31 32-2095. Psychotropic medication; authority

32 A. A PSYCHOLOGIST WHO HOLDS A CONDITIONAL PRESCRIPTION CERTIFICATE
33 MAY PRESCRIBE PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY
34 THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS
35 UNDER THE SUPERVISION OF A PHYSICIAN PURSUANT TO THIS ARTICLE.

36 B. A PRESCRIBING PSYCHOLOGIST MAY PRESCRIBE PSYCHOTROPIC MEDICATION
37 AND ANY OTHER MEDICATION APPROVED BY THE UNITED STATES FOOD AND DRUG
38 ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO THIS ARTICLE.

39 32-2095.01. Conditional prescription certificates;
40 requirements; immunity of supervising physician

41 A. A PSYCHOLOGIST MAY APPLY TO THE BOARD FOR A CONDITIONAL
42 PRESCRIPTION CERTIFICATE ON A FORM APPROVED BY THE BOARD AND SHALL INCLUDE
43 WITH THE APPLICATION EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT
44 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

1 1. COMPLETED A DOCTORAL PROGRAM IN PSYCHOLOGY FROM AN ACCREDITED
2 INSTITUTION OF HIGHER EDUCATION OR PROFESSIONAL SCHOOL, OR, IF THE PROGRAM
3 WAS NOT ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION, THE PROGRAM
4 MEETS PROFESSIONAL STANDARDS DETERMINED ACCEPTABLE BY THE BOARD.

5 2. HOLDS A CURRENT LICENSE TO PRACTICE PSYCHOLOGY IN THIS STATE.

6 3. SUCCESSFULLY COMPLETED PHARMACOLOGICAL TRAINING FROM AN
7 INSTITUTION OF HIGHER EDUCATION APPROVED BY THE STATE BOARD OF
8 PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF
9 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY OR FROM A PROVIDER OF
10 CONTINUING EDUCATION APPROVED BY THE STATE BOARD OF PSYCHOLOGIST
11 EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC
12 EXAMINERS IN MEDICINE AND SURGERY.

13 4. PASSED A NATIONAL CERTIFICATION EXAMINATION APPROVED BY THE
14 STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE
15 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY THAT TESTS
16 THE APPLICANT'S KNOWLEDGE OF PHARMACOLOGY IN DIAGNOSING, CARING FOR AND
17 TREATING MENTAL DISORDERS.

18 5. WITHIN FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,
19 SUCCESSFULLY COMPLETED AN ORGANIZED PROGRAM OF EDUCATION THAT IS APPROVED
20 BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL BOARD
21 AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY AND
22 THAT CONSISTS OF DIDACTIC INSTRUCTION OF AT LEAST FOUR HUNDRED FIFTY
23 CLASSROOM HOURS IN AT LEAST ALL OF THE FOLLOWING CORE AREAS OF
24 INSTRUCTION:

25 (a) NEUROSCIENCE.

26 (b) PHARMACOLOGY.

27 (c) PSYCHOPHARMACOLOGY.

28 (d) PHYSIOLOGY.

29 (e) PATHOPHYSIOLOGY.

30 (f) APPROPRIATE AND RELEVANT PHYSICAL AND LABORATORY ASSESSMENT.

31 (g) CLINICAL PHARMACOTHERAPEUTICS.

32 6. WITHIN FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,
33 WAS CERTIFIED BY EACH OF THE APPLICANT'S SUPERVISING PHYSICIANS AS HAVING
34 SUCCESSFULLY COMPLETED A SUPERVISED AND RELEVANT CLINICAL EXPERIENCE THAT
35 IS APPROVED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE ARIZONA
36 MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE
37 AND SURGERY AND THAT INCLUDES BOTH OF THE FOLLOWING:

38 (a) A PRACTICUM OF AT LEAST EIGHTY HOURS IN CLINICAL ASSESSMENT AND
39 PATHOPHYSIOLOGY UNDER THE SUPERVISION OF A PHYSICIAN.

40 (b) AN ADDITIONAL SUPERVISED PRACTICUM OF AT LEAST FOUR HUNDRED
41 HOURS TREATING AT LEAST ONE HUNDRED PATIENTS WITH MENTAL DISORDERS THAT IS
42 SUPERVISED BY ANY ONE OR A COMBINATION OF PSYCHIATRISTS OR OTHER
43 APPROPRIATELY TRAINED PHYSICIANS AND THAT IS DETERMINED BY THE STATE BOARD
44 OF PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD
45 OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY TO BE SUFFICIENT TO

1 COMPETENTLY TRAIN THE APPLICANT IN TREATING A DIVERSE PATIENT POPULATION.
2 ONE-TO-ONE SUPERVISION UNDER THIS SUBDIVISION MUST BE PROVIDED EITHER IN
3 PERSON, TELEPHONICALLY OR BY VIDEO CONFERENCE.

4 7. HAS MALPRACTICE INSURANCE IN PLACE THAT IS SUFFICIENT TO SATISFY
5 THE RULES ADOPTED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE
6 ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN
7 MEDICINE AND SURGERY AND THAT WILL COVER THE APPLICANT DURING THE PERIOD
8 THE CONDITIONAL PRESCRIPTION CERTIFICATE IS IN EFFECT.

9 8. ALL OTHER REQUIREMENTS DETERMINED BY THE BOARD IN RULE FOR
10 OBTAINING A CONDITIONAL PRESCRIPTION CERTIFICATE.

11 B. THE BOARD SHALL ISSUE A CONDITIONAL PRESCRIPTION CERTIFICATE IF
12 THE BOARD FINDS THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBSECTION A
13 OF THIS SECTION. THE CONDITIONAL PRESCRIPTION CERTIFICATE IS VALID FOR A
14 PERIOD OF TWO YEARS. AT THE END OF THE TWO-YEAR PERIOD, THE HOLDER MAY
15 AGAIN APPLY FOR A CONDITIONAL PRESCRIPTION CERTIFICATE PURSUANT TO
16 SUBSECTION A OF THIS SECTION.

17 C. A PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE MAY
18 PRESCRIBE PSYCHOTROPIC MEDICATION UNDER THE SUPERVISION OF A SUPERVISING
19 PHYSICIAN SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

20 1. THE PSYCHOLOGIST CONTINUES TO HOLD A CURRENT LICENSE TO PRACTICE
21 PSYCHOLOGY IN THIS STATE AND CONTINUES TO MAINTAIN MALPRACTICE INSURANCE.

22 2. THE PSYCHOLOGIST NOTIFIES THE BOARD OF THE NAME OF THE
23 PSYCHOLOGIST'S SUPERVISING PHYSICIAN.

24 3. THE PSYCHOLOGIST'S SUPERVISING PHYSICIAN NOTIFIES THE
25 SUPERVISING PHYSICIAN'S OWN LICENSING BOARD OF THE NAME OF EACH
26 PSYCHOLOGIST UNDER THE SUPERVISING PHYSICIAN'S SUPERVISION.

27 D. A SUPERVISING PHYSICIAN IS NOT LIABLE FOR THE ACTS OF A
28 PSYCHOLOGIST UNDER THE SUPERVISING PHYSICIAN'S SUPERVISION UNLESS THE
29 INJURY OR LOSS ARISES FROM AN ACT UNDER THE DIRECTION AND CONTROL OF THE
30 SUPERVISING PHYSICIAN.

31 32-2095.02. Prescription certificates: prescribing
32 psychologist; requirements; rules

33 A. A PSYCHOLOGIST MAY APPLY TO THE BOARD FOR A PRESCRIPTION
34 CERTIFICATE ON A FORM APPROVED BY THE BOARD AND SHALL INCLUDE WITH THE
35 APPLICATION EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT MEETS
36 ALL OF THE FOLLOWING REQUIREMENTS:

37 1. HAS BEEN ISSUED A CONDITIONAL PRESCRIPTION CERTIFICATE UNDER
38 SECTION 32-2095.01 AND SUCCESSFULLY COMPLETED TWO YEARS OF PRESCRIBING
39 PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED
40 STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS AS CERTIFIED
41 BY THE SUPERVISING PHYSICIAN.

42 2. SUCCESSFULLY UNDERWENT A PROCESS OF INDEPENDENT PEER REVIEW
43 APPROVED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL
44 BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND
45 SURGERY.

1 COLLABORATIVE RELATIONSHIP WITH THE HEALTH CARE PRACTITIONER WHO OVERSEES
2 THE PATIENT'S GENERAL MEDICAL CARE TO ENSURE THAT NECESSARY MEDICAL
3 EXAMINATIONS ARE CONDUCTED, THAT THE PSYCHOTROPIC MEDICATION OR OTHER
4 PRESCRIBED MEDICATION IS APPROPRIATE FOR THE PATIENT'S MEDICAL CONDITION
5 AND THAT SIGNIFICANT CHANGES IN THE PATIENT'S MEDICAL OR PSYCHOLOGICAL
6 CONDITION ARE DISCUSSED.

7 C. THE ONGOING COLLABORATIVE RELATIONSHIP SHALL BE MAINTAINED
8 PURSUANT TO GUIDELINES DEVELOPED BY THE STATE BOARD OF PSYCHOLOGIST
9 EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC
10 EXAMINERS IN MEDICINE AND SURGERY, WHICH SHALL OPTIMIZE PATIENT CARE. THE
11 GUIDELINES SHALL ENSURE THAT THE PRESCRIBING PSYCHOLOGIST OR THE
12 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE AND THE HEALTH
13 CARE PRACTITIONER COORDINATE AND COLLABORATE ON THE CARE OF THE PATIENT TO
14 PROVIDE OPTIMAL CARE. THIS SUBSECTION DOES NOT REQUIRE A PRESCRIBING
15 PSYCHOLOGIST OR A PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE
16 TO GIVE PRIOR NOTICE TO OR OBTAIN PRIOR APPROVAL FROM A HEALTH CARE
17 PRACTITIONER TO PRESCRIBE PSYCHOTROPIC MEDICATION OR ANY OTHER MEDICATION
18 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL
19 DISORDERS TO A PATIENT WITH WHOM THE PSYCHOLOGIST HAS ESTABLISHED A
20 PSYCHOLOGIST-PATIENT RELATIONSHIP. THE PSYCHOLOGIST MUST PROVIDE WRITTEN
21 NOTICE OF THE PRESCRIPTION TO THE PATIENT'S HEALTH CARE PRACTITIONER
22 WITHIN TWENTY-FOUR HOURS AFTER ISSUING THE PRESCRIPTION TO THE PATIENT.

23 D. EACH PRESCRIPTION WRITTEN BY A PRESCRIBING PSYCHOLOGIST OR A
24 PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE SHALL MEET ALL OF
25 THE FOLLOWING REQUIREMENTS:

- 26 1. COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS.
- 27 2. INDICATE THAT THE PRESCRIPTION IS ISSUED BY A PSYCHOLOGIST WHO
28 IS CERTIFIED TO PRESCRIBE.
- 29 3. INCLUDE THE PSYCHOLOGIST'S BOARD-ASSIGNED IDENTIFICATION NUMBER.

30 E. A PRESCRIBING PSYCHOLOGIST OR A PSYCHOLOGIST WITH A CONDITIONAL
31 PRESCRIPTION CERTIFICATE MAY NOT DELEGATE PRESCRIPTIVE AUTHORITY TO ANY
32 OTHER PERSON. RECORDS OF ALL PRESCRIPTIONS SHALL BE MAINTAINED IN PATIENT
33 RECORDS.

34 F. IF AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES, A PRESCRIBING
35 PSYCHOLOGIST OR A PSYCHOLOGIST WITH A CONDITIONAL PRESCRIPTION CERTIFICATE
36 SHALL FILE WITH THE BOARD IN A TIMELY MANNER ALL INDIVIDUAL UNITED STATES
37 DRUG ENFORCEMENT ADMINISTRATION REGISTRATIONS AND NUMBERS. THE STATE
38 BOARD OF PSYCHOLOGIST EXAMINERS, THE ARIZONA MEDICAL BOARD AND THE ARIZONA
39 BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY SHALL MAINTAIN
40 CURRENT RECORDS ON EACH PSYCHOLOGIST WHO HAS PRESCRIPTIVE AUTHORITY UNDER
41 THIS ARTICLE, INCLUDING FEDERAL REGISTRATIONS AND NUMBERS.

42 G. THE STATE BOARD OF PSYCHOLOGIST EXAMINERS SHALL PROVIDE TO THE
43 ARIZONA STATE BOARD OF PHARMACY, THE ARIZONA MEDICAL BOARD AND THE ARIZONA
44 BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY AN ANNUAL LIST OF
45 PRESCRIBING PSYCHOLOGISTS AND PSYCHOLOGISTS WITH CONDITIONAL PRESCRIPTION

1 CERTIFICATES THAT CONTAINS THE INFORMATION AGREED ON BETWEEN THE BOARDS.
2 THE STATE BOARD OF PSYCHOLOGIST EXAMINERS SHALL PROMPTLY NOTIFY THE
3 ARIZONA STATE BOARD OF PHARMACY OF PSYCHOLOGISTS WHO ARE ADDED TO OR
4 DELETED FROM THE LIST.

5 H. FOR THE PURPOSES OF THIS SECTION:

6 1. "COLLABORATIVE RELATIONSHIP" MEANS A COOPERATIVE WORKING
7 RELATIONSHIP BETWEEN A PRESCRIBING PSYCHOLOGIST OR A PSYCHOLOGIST WITH A
8 CONDITIONAL PRESCRIPTION CERTIFICATE AND A HEALTH CARE PRACTITIONER IN
9 PROVIDING PATIENT CARE, INCLUDING DIAGNOSIS AND COOPERATION IN MANAGING
10 AND DELIVERING PHYSICAL AND MENTAL HEALTH CARE.

11 2. "HEALTH CARE PRACTITIONER" MEANS A PHYSICIAN WHO IS LICENSED
12 PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE, A NURSE PRACTITIONER OR
13 CLINICAL NURSE SPECIALIST WHO IS LICENSED PURSUANT TO CHAPTER 15 OF THIS
14 TITLE OR A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO CHAPTER 25 OF
15 THIS TITLE.

16 Sec. 5. Section 36-2602, Arizona Revised Statutes, is amended to
17 read:

18 36-2602. Controlled substances prescription monitoring
19 program; contracts; retention and maintenance of
20 records

21 A. The board shall adopt rules to establish a controlled substances
22 prescription monitoring program. The program shall:

23 1. Be operated, monitored and maintained by the board.

24 2. Be staffed by the board.

25 3. Include a computerized central database tracking system to track
26 the prescribing, dispensing and consumption of schedule II, III, IV and V
27 controlled substances that are dispensed by a medical practitioner or by a
28 pharmacy that holds a valid license, CERTIFICATE or permit issued pursuant
29 to title 32. The database shall include data from the department of
30 health services that identifies residents of this state who possess a
31 registry identification card issued pursuant to chapter 28.1 of this
32 title. The tracking system shall not interfere with the legal use of a
33 controlled substance for managing severe or intractable pain.

34 4. Assist law enforcement to identify illegal activity related to
35 prescribing, dispensing and consuming schedule II, III, IV and V
36 controlled substances.

37 5. Provide information to patients, medical practitioners and
38 pharmacists to help avoid the inappropriate use of schedule II, III, IV
39 and V controlled substances.

40 6. Be designed to minimize inconvenience to patients, prescribing
41 medical practitioners and pharmacies while effectuating the collection and
42 storage of information.

43 B. The board may enter into private or public contracts, including
44 intergovernmental agreements pursuant to title 11, chapter 7, article 3,
45 to ensure the effective operation of the program. Each contractor must

1 comply with the confidentiality requirements prescribed in this article
2 and is subject to the criminal penalties prescribed in section 36-2610.

3 C. The board shall maintain the following records for the following
4 periods of time:

5 1. A record of dispensing a controlled substance for seven years
6 after the date the controlled substance was dispensed.

7 2. Affidavits for the purpose of an open investigation by law
8 enforcement for two years.

9 3. Court orders requesting medical record information in the
10 program for two years.

11 4. A patient's request of the patient's own prescription history
12 for two years.

13 5. A prescriber report for two years.

14 Sec. 6. Section 36-2604, Arizona Revised Statutes, as amended by
15 Laws 2022, chapter 284, section 1, is amended to read:

16 36-2604. Use and release of confidential information;
17 definitions

18 A. Except as otherwise provided in this section, prescription
19 information submitted to the board pursuant to this article is
20 confidential and is not subject to public inspection. The board shall
21 establish procedures to ensure the privacy and confidentiality of patients
22 and that patient information that is collected, recorded and transmitted
23 pursuant to this article is not disclosed except as prescribed in this
24 section.

25 B. The board or its designee shall review the prescription
26 information collected pursuant to this article. If the board or its
27 designee has reason to believe an act of unprofessional or illegal conduct
28 has occurred, the board or its designee shall notify the appropriate
29 professional licensing board. The board may delegate the duties
30 prescribed in this subsection to the executive director pursuant to
31 section 32-1904.

32 C. The board may release data collected by the program to the
33 following:

34 1. A person who is authorized to prescribe or dispense controlled
35 substances, or a delegate who is authorized by the prescriber or
36 dispenser, to assist that person to provide medical or pharmaceutical care
37 to a patient or to evaluate a patient or to assist with or verify
38 compliance with the requirements of this chapter, the rules adopted
39 pursuant to this chapter and the rules adopted by the department of health
40 services to reduce opioid overdose and death.

41 2. An individual who requests the individual's own prescription
42 monitoring information pursuant to section 12-2293.

43 3. A medical practitioner regulatory board established pursuant to
44 title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 19.1, 25 or 29.

1 4. A local, state or federal law enforcement or criminal justice
2 agency. The board shall provide this information only if the requesting
3 agency has a valid search warrant and is using the information for an open
4 investigation or complaint.

5 5. The Arizona health care cost containment system administration
6 and contractors regarding persons who are receiving services pursuant to
7 chapters 29 and 34 of this title or title XVIII of the social security
8 act. Except as required pursuant to subsection B of this section, the
9 board shall provide this information only if the administration or a
10 contractor states in writing that the information is necessary for an open
11 investigation or complaint or for performing a drug utilization review for
12 controlled substances that supports the prevention of opioid overuse or
13 abuse and the safety and quality of care provided to the member.

14 6. A health care insurer. Except as required pursuant to
15 subsection B of this section, the board shall provide this information
16 only if the health care insurer states in writing that the information is
17 necessary for an open investigation or complaint or for performing a drug
18 utilization review for controlled substances that supports the prevention
19 of opioid overuse or abuse and the safety and quality of care provided to
20 the insured.

21 7. A person who is serving a lawful order of a court of competent
22 jurisdiction.

23 8. A person who is authorized to prescribe or dispense controlled
24 substances and who performs an evaluation on an individual pursuant to
25 section 23-1026.

26 9. A county medical examiner or alternate medical examiner who is
27 directing an investigation into the circumstances surrounding a death as
28 described in section 11-593 or a delegate who is authorized by the county
29 medical examiner or alternate medical examiner.

30 10. The department of health services regarding persons who are
31 receiving or prescribing controlled substances in order to implement a
32 public health response to address opioid overuse or abuse, including a
33 review pursuant to section 36-198. Except as required pursuant to
34 subsection B of this section, the board shall provide this information
35 only if the department states in writing that the information is necessary
36 to implement a public health response to help combat opioid overuse or
37 abuse.

38 D. Data provided by the board pursuant to this section may not be
39 used for any of the following:

- 40 1. Credentialing health care professionals.
- 41 2. Determining payment.
- 42 3. Preemployment screening.
- 43 4. Any purpose other than as specified in this section.

44 E. For a fee determined by the board, the board may provide data to
45 public or private entities for statistical, research or educational

1 purposes after removing information that could be used to identify
2 individual patients or persons who received prescriptions from dispensers.

3 F. Any employee of the administration, a contractor or a health
4 care insurer who is assigned delegate access to the program shall operate
5 under the authority and responsibility of the administration's,
6 contractor's or health care insurer's chief medical officer or other
7 employee who is a licensed health care professional and who is authorized
8 to prescribe or dispense controlled substances. A delegate of the
9 administration, a contractor or a health care insurer shall hold a valid
10 license or certification issued pursuant to title 32, chapter 7, 11, 13,
11 14, 15, 16, 17, 18, 19.1, 25, 29 or 33 as a condition of being assigned
12 and provided delegate access to the program by the board. Each employee
13 of the administration, a contractor or a health care insurer who is a
14 licensed health care professional and who is authorized to prescribe or
15 dispense controlled substances may authorize not more than ten delegates.

16 G. If, after reviewing the information provided pursuant to
17 subsection C, paragraph 4 of this section, an investigator finds no
18 evidence of a statutory crime but suspects a medical practitioner of
19 prescribing controlled substances inappropriately in manner or amount, the
20 investigator may refer the medical practitioner to the relevant
21 professional licensing board for investigation of possible deviation from
22 the standard of care but may not arrest or otherwise undertake criminal
23 proceedings against the medical practitioner.

24 H. A person who is authorized to prescribe or dispense controlled
25 substances or the chief medical officer or other licensed health care
26 professional of the administration, a contractor or a health care insurer
27 who is authorized to prescribe or dispense controlled substances shall
28 deactivate a delegate within five business days after an employment status
29 change, the request of the delegate or the inappropriate use of the
30 controlled substances prescription monitoring program's central database
31 tracking system.

32 I. For the purposes of this section:

33 1. "Administration" and "contractor" have the same meanings
34 prescribed in section 36-2901.

35 2. "Delegate" means any of the following:

36 (a) A licensed health care professional who is employed in the
37 office of or in a hospital with the prescriber or dispenser.

38 (b) An unlicensed medical records technician, medical assistant or
39 office manager who is employed in the office of or in a hospital with the
40 prescriber or dispenser and who has received training regarding both the
41 health insurance portability and accountability act privacy standards
42 (45 Code of Federal Regulations part 164, subpart E) and security
43 standards (45 Code of Federal Regulations part 164, subpart C).

1 (c) A forensic pathologist, medical death investigator or other
2 qualified person who is assigned duties in connection with a death
3 investigation pursuant to section 11-594.

4 (d) A ~~LICENSED~~ REGISTERED pharmacy technician trainee, LICENSED
5 pharmacy technician or LICENSED pharmacy intern who works in a facility
6 with the dispenser.

7 (e) Any employee of the administration, a contractor or a health
8 care insurer who is authorized by the administration's, contractor's or
9 health care insurer's chief medical officer or other licensed health care
10 professional who is authorized to prescribe or dispense controlled
11 substances.

12 3. "Health care insurer" has the same meaning prescribed in section
13 20-3151.

14 Sec. 7. Repeal

15 Section 36-2604, Arizona Revised Statutes, as amended by Laws 2022,
16 chapter 362, section 12, is repealed.

17 Sec. 8. Section 36-2606, Arizona Revised Statutes, is amended to
18 read:

19 36-2606. Registration; access; requirements; mandatory use;
20 annual user satisfaction survey; report;
21 definitions

22 A. A medical practitioner regulatory board shall notify each
23 medical practitioner who receives an initial or renewal license and who
24 intends to apply for registration or has an active registration under the
25 controlled substances act (21 United States Code sections 801 through 904)
26 of the medical practitioner's responsibility to register with the Arizona
27 state board of pharmacy and be granted access to the controlled substances
28 prescription monitoring program's central database tracking system. The
29 Arizona state board of pharmacy shall provide access to the central
30 database tracking system to each medical practitioner who has a valid
31 license pursuant to title 32 and who possesses an Arizona registration
32 under the controlled substances act (21 United States Code sections 801
33 through 904). The Arizona state board of pharmacy shall notify each
34 pharmacist of the pharmacist's responsibility to register with the Arizona
35 state board of pharmacy and be granted access to the controlled substances
36 prescription monitoring program's central database tracking system. The
37 Arizona state board of pharmacy shall provide access to the central
38 database tracking system to each pharmacist who has a valid license
39 pursuant to title 32, chapter 18 and who is employed by either:

40 1. A facility that has a valid United States drug enforcement
41 administration registration number.

42 2. The administration, a contractor or a health care insurer and
43 who has a national provider identifier number.

1 B. The registration is:

2 1. Valid in conjunction with a valid United States drug enforcement
3 administration registration number and a valid license OR CERTIFICATE
4 issued by a medical practitioner regulatory board established pursuant to
5 title 32, chapter 7, 11, 13, 14, 15, 16, 17, 19.1, 25 or 29.

6 2. Valid in conjunction with a valid license issued by the Arizona
7 state board of pharmacy for a pharmacist who is employed by either:

8 (a) A facility that has a valid United States drug enforcement
9 administration registration number.

10 (b) The administration, a contractor or a health care insurer and
11 who has a national provider identifier number.

12 3. Not transferable or assignable.

13 C. An applicant for registration pursuant to this section must
14 apply as prescribed by the board.

15 D. Pursuant to a fee prescribed by the board by rule, the board may
16 issue a replacement registration to a registrant who requests a
17 replacement because the original was damaged or destroyed, because of a
18 change of name or for any other good cause as prescribed by the board.

19 E. A person who is authorized to access the controlled substances
20 prescription monitoring program's central database tracking system may do
21 so using only that person's assigned identifier and may not use the
22 assigned identifier of another person.

23 F. Beginning the later of October 1, 2017 or sixty days after the
24 statewide health information exchange has integrated the controlled
25 substances prescription monitoring program data into the exchange, a
26 medical practitioner, before prescribing an opioid analgesic or
27 benzodiazepine controlled substance listed in schedule II, III or IV for a
28 patient, shall obtain a patient utilization report regarding the patient
29 for the preceding twelve months from the controlled substances
30 prescription monitoring program's central database tracking system at the
31 beginning of each new course of treatment and at least quarterly while
32 that prescription remains a part of the treatment. Each medical
33 practitioner regulatory board shall notify the medical practitioners
34 licensed by that board of the applicable date. A medical practitioner may
35 be granted a one-year waiver from the requirement in this subsection due
36 to technological limitations that are not reasonably within the control of
37 the practitioner or other exceptional circumstances demonstrated by the
38 practitioner, pursuant to a process established by rule by the Arizona
39 state board of pharmacy.

40 G. Before a pharmacist dispenses or before a pharmacy technician or
41 pharmacy intern of a remote dispensing site pharmacy dispenses a schedule
42 II controlled substance, a dispenser shall obtain a patient utilization
43 report regarding the patient for the preceding twelve months from the
44 controlled substances prescription monitoring program's central database
45 tracking system at the beginning of each new course of treatment.

1 H. The medical practitioner or dispenser is not required to obtain
2 a patient utilization report from the central database tracking system
3 pursuant to subsection F of this section if any of the following applies:

4 1. The patient is receiving hospice care or palliative care for a
5 serious or chronic illness.

6 2. The patient is receiving care for cancer, a cancer-related
7 illness or condition or dialysis treatment.

8 3. A medical practitioner will administer the controlled substance.

9 4. The patient is receiving the controlled substance during the
10 course of inpatient or residential treatment in a hospital, nursing care
11 facility, assisted living facility, correctional facility or mental health
12 facility.

13 5. The medical practitioner is prescribing the controlled substance
14 to the patient for not more than a five-day period for an invasive medical
15 or dental procedure or a medical or dental procedure that results in acute
16 pain to the patient.

17 6. The medical practitioner is prescribing the controlled substance
18 to the patient for not more than a five-day period for a patient who has
19 suffered an acute injury or a medical or dental disease process that is
20 diagnosed in an emergency department setting and that results in acute
21 pain to the patient. An acute injury or medical disease process does not
22 include back pain.

23 I. On or before December 31, 2026, a vendor that provides
24 electronic medical records services to a medical practitioner in this
25 state shall integrate the vendor's electronic medical records system with
26 the program's central database tracking system either directly or through
27 the statewide health information exchange or a third-party vendor.

28 J. If a medical practitioner or dispenser uses electronic medical
29 records that integrate data from the controlled substances prescription
30 monitoring program, a review of the electronic medical records with the
31 integrated data shall be deemed compliant with the review of the program's
32 central database tracking system as required in subsection F of this
33 section.

34 K. The board shall promote and enter into data sharing agreements
35 to integrate and display patient utilization reports within electronic
36 medical records.

37 L. By complying with this section, a medical practitioner or
38 dispenser who acts in good faith, or the medical practitioner's or
39 dispenser's employer, is not subject to liability or disciplinary action
40 arising solely from either:

41 1. Requesting or receiving, or failing to request or receive,
42 prescription monitoring data from the program's central database tracking
43 system.

1 2. Acting or failing to act on the basis of the prescription
2 monitoring data provided by the program's central database tracking
3 system.

4 M. Notwithstanding any provision of this section to the contrary,
5 medical practitioners or dispensers and their delegates are not in
6 violation of this section during any time period in which the controlled
7 substances prescription monitoring program's central database tracking
8 system is suspended or is not operational or available in a timely manner.
9 If the program's central database tracking system is not accessible, the
10 medical practitioner or dispenser or the medical practitioner's or
11 dispenser's delegate shall document the date and time the practitioner,
12 dispenser or delegate attempted to use the central database tracking
13 system pursuant to a process established by board rule.

14 N. The board shall conduct an annual voluntary survey of program
15 users to assess user satisfaction with the program's central database
16 tracking system. The survey may be conducted electronically. On or
17 before December 1 of each year, the board shall provide a report of the
18 survey results to the president of the senate, the speaker of the house of
19 representatives and the governor and shall provide a copy of this report
20 to the secretary of state.

21 O. This section does not prohibit a medical practitioner regulatory
22 board or the Arizona state board of pharmacy from obtaining and using
23 information from the program's central database tracking system.

24 P. For the purposes of this section:

25 1. "Administration" has the same meaning prescribed in section
26 36-2901.

27 2. "Contractor" has the same meaning prescribed in section 36-2901.

28 3. "Dispenser" means a pharmacist who is licensed pursuant to title
29 32, chapter 18.

30 4. "Emergency department" means the unit within a hospital that is
31 designed to provide emergency services.

32 5. "Health care insurer" has the same meaning prescribed in section
33 20-3151.

34 Sec. 9. Exemption from rulemaking

35 Notwithstanding any other law, for the purposes of this act, the
36 state board of psychologist examiners is exempt from the rulemaking
37 requirements of title 41, chapter 6, Arizona Revised Statutes, for one
38 year after the effective date of this act.