

REFERENCE TITLE: **psychologists; prescribing authority**

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1249**

Introduced by  
Senators Shope: Shamp

### AN ACT

AMENDING SECTION 32-1403, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 13, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1460; AMENDING SECTION 32-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 17, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1862; AMENDING SECTIONS 32-2061 AND 32-2063, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; AMENDING SECTIONS 36-2604 AND 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. Section 32-1403, Arizona Revised Statutes, is amended to  
3 read:

4 32-1403. Powers and duties of the board; compensation;  
5 immunity; committee on executive director  
6 selection and retention

7 A. The primary duty of the board is to protect the public from  
8 unlawful, incompetent, unqualified, impaired or unprofessional  
9 practitioners of allopathic medicine through licensure, regulation and  
10 rehabilitation of the profession in this state. The powers and duties of  
11 the board include:

12 1. Ordering and evaluating physical, psychological, psychiatric and  
13 competency testing of licensed physicians and candidates for licensure as  
14 may be determined necessary by the board.

15 2. Initiating investigations and determining on the board's own  
16 motion whether a doctor of medicine has engaged in unprofessional conduct  
17 or provided incompetent medical care or is mentally or physically unable  
18 to engage in the practice of medicine.

19 3. Developing and recommending standards governing the profession.

20 4. Reviewing the credentials and the abilities of applicants whose  
21 professional records or physical or mental capabilities may not meet the  
22 requirements for licensure or registration as prescribed in article 2 of  
23 this chapter in order for the board to make a final determination whether  
24 the applicant meets the requirements for licensure pursuant to this  
25 chapter.

26 5. Disciplining and rehabilitating physicians.

27 6. Engaging in a full exchange of information with the licensing  
28 and disciplinary boards and medical associations of other states and  
29 jurisdictions of the United States and foreign countries and the Arizona  
30 medical association and its components.

31 7. Directing the preparation and circulation of educational  
32 material the board determines is helpful and proper for licensees.

33 8. Adopting rules regarding the regulation and the qualifications  
34 of doctors of medicine.

35 9. Establishing fees and penalties as provided pursuant to section  
36 32-1436.

37 10. Delegating to the executive director the board's authority  
38 pursuant to section 32-1405 or 32-1451. The board shall adopt substantive  
39 policy statements pursuant to section 41-1091 for each specific licensing  
40 and regulatory authority the board delegates to the executive director.

41 11. Determining whether a prospective or current Arizona licensed  
42 physician has the training or experience to demonstrate the physician's  
43 ability to treat and manage opiate-dependent patients as a qualifying  
44 physician pursuant to 21 United States Code section 823(g)(2)(G)(ii).

1           12. Issuing registrations to administer general anesthesia and  
2 sedation in dental offices and dental clinics pursuant to section 32-1272  
3 to doctors of medicine who have completed residency training in  
4 anesthesiology.

5           13. INVESTIGATING ANY CHARGES INVOLVING PRESCRIBING BY A  
6 PRESCRIBING PSYCHOLOGIST AND RECOMMENDING TO THE STATE BOARD OF  
7 PSYCHOLOGIST EXAMINERS WHETHER THE ARIZONA MEDICAL BOARD BELIEVES THE  
8 PRESCRIBING PSYCHOLOGIST ENGAGED IN UNPROFESSIONAL CONDUCT OR PROVIDED  
9 INCOMPETENT MEDICAL CARE BASED ON THE PRESCRIBING PSYCHOLOGIST'S  
10 COLLABORATIVE PRESCRIPTION AGREEMENT. FOR THE PURPOSES OF THIS PARAGRAPH,  
11 "COLLABORATIVE PRESCRIPTION AGREEMENT" AND "PRESCRIBING PSYCHOLOGIST" HAVE  
12 THE SAME MEANINGS PRESCRIBED IN SECTION 32-2061.

13           B. The board may appoint one of its members to the jurisdiction  
14 arbitration panel pursuant to section 32-2907, subsection B.

15           C. There shall be no monetary liability on the part of and no cause  
16 of action shall arise against the executive director or such other  
17 permanent or temporary personnel or professional medical investigators for  
18 any act done or proceeding undertaken or performed in good faith and in  
19 furtherance of the purposes of this chapter.

20           D. In conducting its investigations pursuant to subsection A,  
21 paragraph 2 of this section, the board may receive and review staff  
22 reports relating to complaints and malpractice claims.

23           E. The board shall establish a program that is reasonable and  
24 necessary to educate doctors of medicine regarding the uses and advantages  
25 of autologous blood transfusions.

26           F. The board may make statistical information on doctors of  
27 medicine and applicants for licensure under this article available to  
28 academic and research organizations.

29           G. The committee on executive director selection and retention is  
30 established consisting of the Arizona medical board and the chairperson  
31 and vice chairperson of the Arizona regulatory board of physician  
32 assistants. The committee is a public body and is subject to the  
33 requirements of title 38, chapter 3, article 3.1. The committee is  
34 responsible for appointing the executive director pursuant to section  
35 32-1405. All members of the committee are voting members of the  
36 committee. The committee shall elect a chairperson and a vice chairperson  
37 when the committee meets but not more frequently than once a year. The  
38 chairperson shall call meetings of the committee as necessary, and the  
39 vice chairperson may call meetings of the committee that are necessary if  
40 the chairperson is not available. The presence of eight members of the  
41 committee at a meeting constitutes a quorum. The committee meetings may  
42 be held using communications equipment that allows all members who are  
43 participating in the meeting to hear each other. If any discussions occur  
44 in an executive session of the committee, notwithstanding the requirement  
45 that discussions made at an executive session be kept confidential as

1 specified in section 38-431.03, the chairperson and vice chairperson of  
2 the Arizona regulatory board of physician assistants may discuss this  
3 information with the Arizona regulatory board of physician assistants in  
4 executive session. This disclosure of executive session information to  
5 the Arizona regulatory board of physician assistants does not constitute a  
6 waiver of confidentiality or any privilege, including the attorney-client  
7 privilege.

8 H. The officers of the Arizona medical board and the Arizona  
9 regulatory board of physician assistants shall meet twice a year to  
10 discuss matters of mutual concern and interest.

11 I. The board may accept and expend grants, gifts, devises and other  
12 contributions from any public or private source, including the federal  
13 government. Monies received under this subsection do not revert to the  
14 state general fund at the end of a fiscal year.

15 Sec. 2. Title 32, chapter 13, article 3, Arizona Revised Statutes,  
16 is amended by adding section 32-1460, to read:

17 32-1460. Prescribing \_\_\_\_\_ psychologists; \_\_\_\_\_ collaborative  
18 prescription agreements; supervision; training  
19 requirements; definitions

20 A. SUBJECT TO THE RULES ADOPTED BY THE BOARD, A PHYSICIAN MAY ENTER  
21 INTO A COLLABORATIVE PRESCRIPTION AGREEMENT WITH A PRESCRIBING  
22 PSYCHOLOGIST AND MAY SUPERVISE THE CLINICAL TRAINING OF PSYCHOLOGISTS WHO  
23 APPLY FOR PRESCRIBING AUTHORITY PURSUANT TO CHAPTER 19.1, ARTICLE 5 OF  
24 THIS TITLE. A COLLABORATING PHYSICIAN MAY BE A PARTY TO ONLY FOUR  
25 COLLABORATIVE PRESCRIPTION AGREEMENTS AT ANY TIME.

26 B. IF A COLLABORATIVE PRESCRIPTION AGREEMENT ALLOWS THE PRESCRIBING  
27 PSYCHOLOGIST TO PRESCRIBE FOR CHILDREN AND PROVIDE ADOLESCENT CARE FOR  
28 PERSONS WHO ARE AT LEAST TWELVE YEARS OF AGE BUT UNDER EIGHTEEN, THE  
29 COLLABORATING PHYSICIAN MUST HAVE TRAINING IN PEDIATRICS. IF A  
30 COLLABORATIVE PRESCRIPTION AGREEMENT ALLOWS THE PRESCRIBING PSYCHOLOGIST  
31 TO PRESCRIBE FOR PERSONS WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE, THE  
32 COLLABORATING PHYSICIAN MUST HAVE TRAINING IN GERIATRICS.

33 C. FOR THE PURPOSES OF THIS SECTION, "COLLABORATING PHYSICIAN",  
34 "COLLABORATIVE PRESCRIPTION AGREEMENT" AND "PRESCRIBING PSYCHOLOGIST" HAVE  
35 THE SAME MEANINGS PRESCRIBED IN SECTION 32-2061.

36 Sec. 3. Section 32-1803, Arizona Revised Statutes, is amended to  
37 read:

38 32-1803. Powers and duties

39 A. The board shall:

40 1. Protect the public from unlawful, incompetent, unqualified,  
41 impaired and unprofessional practitioners of osteopathic medicine.

42 2. Issue licenses, conduct hearings, place physicians on probation,  
43 revoke or suspend licenses, enter into stipulated orders, issue letters of  
44 concern or decrees of censure and administer and enforce this chapter.

1           3. Maintain a record of its acts and proceedings, including the  
2 issuance, denial, renewal, suspension or revocation of licenses to  
3 practice according to this chapter. The board shall delete records of  
4 complaints only as follows:

5           (a) If the board dismisses a complaint, the board shall delete the  
6 public record of the complaint five years after the board dismissed the  
7 complaint.

8           (b) If the board has issued a letter of concern but has taken no  
9 further action on the complaint, the board shall delete the public record  
10 of the complaint five years after the board issued the letter of concern.

11           (c) If the board has required additional continuing medical  
12 education pursuant to section 32-1855 but has not taken further action,  
13 the board shall delete the public record of the complaint five years after  
14 the person satisfies this requirement.

15           4. Maintain a public directory of all physicians and surgeons who  
16 are or were licensed pursuant to this chapter that includes:

17           (a) The name of the physician.

18           (b) The physician's current or last known address of record.

19           (c) The date and number of the license issued to the physician  
20 pursuant to this chapter.

21           (d) The date the license is scheduled to expire if not renewed or  
22 the date the license expired or was revoked, suspended or canceled.

23           (e) Any disciplinary actions taken against the physician by the  
24 board.

25           (f) Letters of concern, remedial continuing medical education  
26 ordered and dismissals of complaints against the physician until deleted  
27 from the public record pursuant to paragraph 3 of this subsection.

28           5. Adopt rules regarding the regulation, qualifications and  
29 training of medical assistants. The training requirements for a medical  
30 assistant may be satisfied through a training program that meets all of  
31 the following:

32           (a) Is designed and offered by a physician.

33           (b) Meets or exceeds any of the approved training program  
34 requirements specified in rule.

35           (c) Verifies the entry-level competencies of a medical assistant as  
36 prescribed by rule.

37           (d) Provides written verification to the individual of successful  
38 completion of the program.

39           6. Discipline and rehabilitate osteopathic physicians.

40           7. Determine whether a prospective or current Arizona licensed  
41 physician has the training or experience to demonstrate the physician's  
42 ability to treat and manage opiate-dependent patients as a qualifying  
43 physician pursuant to 21 United States Code section 823(g)(2)(G)(ii).

1 8. Issue registrations to administer general anesthesia and  
2 sedation in dental offices and dental clinics pursuant to section 32-1272  
3 to physicians who have completed residency training in anesthesiology.

4 9. INVESTIGATE ANY CHARGES INVOLVING PRESCRIBING BY A PRESCRIBING  
5 PSYCHOLOGIST AND MAKE RECOMMENDATIONS TO THE STATE BOARD OF PSYCHOLOGIST  
6 EXAMINERS WHETHER THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE  
7 AND SURGERY BELIEVES THE PRESCRIBING PSYCHOLOGIST ENGAGED IN  
8 UNPROFESSIONAL CONDUCT OR PROVIDED INCOMPETENT MEDICAL CARE BASED ON THE  
9 PRESCRIBING PSYCHOLOGIST'S COLLABORATIVE PRESCRIPTION AGREEMENT. FOR THE  
10 PURPOSES OF THIS PARAGRAPH, "COLLABORATING PHYSICIAN", "COLLABORATIVE  
11 PRESCRIPTION AGREEMENT" AND "PRESCRIBING PSYCHOLOGIST" HAVE THE SAME  
12 MEANINGS PRESCRIBED IN SECTION 32-2061.

13 B. The public records of the board are open to inspection at all  
14 times during office hours.

15 C. The board may:

16 1. Adopt rules necessary or proper to administer this chapter.

17 2. Appoint one of its members to the jurisdiction arbitration panel  
18 pursuant to section 32-2907, subsection B.

19 3. Accept and spend federal monies and private grants, gifts,  
20 contributions and devises. These monies do not revert to the state  
21 general fund at the end of a fiscal year.

22 4. Develop and publish advisory opinions and standards governing  
23 the profession.

24 D. The board shall adopt and use a seal, the imprint of which,  
25 together with the signature of either the president, vice president or  
26 executive director, is evidence of its official acts.

27 E. In conducting investigations pursuant to this chapter, the board  
28 may receive and review confidential internal staff reports relating to  
29 complaints and malpractice claims.

30 F. The board may make available to academic and research  
31 organizations public records regarding statistical information on doctors  
32 of osteopathic medicine and applicants for licensure.

33 Sec. 4. Title 32, chapter 17, article 3, Arizona Revised Statutes,  
34 is amended by adding section 32-1862, to read:

35 32-1862. Prescribing psychologists; collaborative  
36 prescription agreements; supervision; training  
37 requirements; definitions

38 A. SUBJECT TO THE RULES ADOPTED BY THE BOARD, A PHYSICIAN MAY ENTER  
39 INTO A COLLABORATIVE PRESCRIPTION AGREEMENT WITH A PRESCRIBING  
40 PSYCHOLOGIST AND MAY SUPERVISE THE CLINICAL TRAINING OF PSYCHOLOGISTS WHO  
41 APPLY FOR PRESCRIBING AUTHORITY PURSUANT TO CHAPTER 19.1, ARTICLE 5 OF  
42 THIS TITLE. A COLLABORATING PHYSICIAN MAY BE A PARTY TO ONLY FOUR  
43 COLLABORATIVE PRESCRIPTION AGREEMENTS AT ANY TIME.

44 B. IF A COLLABORATIVE PRESCRIPTION AGREEMENT ALLOWS THE PRESCRIBING  
45 PSYCHOLOGIST TO PRESCRIBE FOR CHILDREN AND PROVIDE ADOLESCENT CARE FOR

1 PERSONS WHO ARE AT LEAST TWELVE YEARS OF AGE BUT UNDER EIGHTEEN, THE  
2 COLLABORATING PHYSICIAN MUST HAVE TRAINING IN PEDIATRICS. IF A  
3 COLLABORATIVE PRESCRIPTION AGREEMENT ALLOWS THE PRESCRIBING PSYCHOLOGIST  
4 TO PRESCRIBE FOR PERSONS WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE, THE  
5 COLLABORATING PHYSICIAN MUST HAVE TRAINING IN GERIATRICS.

6 C. FOR THE PURPOSES OF THIS SECTION, "COLLABORATING PHYSICIAN",  
7 "COLLABORATIVE PRESCRIPTION AGREEMENT" AND "PRESCRIBING PSYCHOLOGIST" HAVE  
8 THE SAME MEANINGS PRESCRIBED IN SECTION 32-2061.

9 Sec. 5. Section 32-2061, Arizona Revised Statutes, is amended to  
10 read:

11 32-2061. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Active license" means a valid and existing license to practice  
14 psychology.

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

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

20 4. "Client" means a person or an entity that receives psychological  
21 services. A corporate entity, a governmental entity or any other  
22 organization may be a client if there is a professional contract to  
23 provide services or benefits primarily to an organization rather than to  
24 an individual. If an individual has a legal guardian, the legal guardian  
25 is the client for decision-making purposes, except that the individual  
26 receiving services is the client or patient for:

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

29 (b) Issues that the LEGAL guardian agrees to specifically reserve  
30 to the individual.

31 5. "COLLABORATING PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED  
32 PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE AND WHO IS A PARTY TO A  
33 COLLABORATIVE PRESCRIPTION AGREEMENT PURSUANT TO ARTICLE 5 OF THIS  
34 CHAPTER.

35 6. "COLLABORATIVE PRESCRIPTION AGREEMENT" MEANS AN AGREEMENT  
36 BETWEEN A COLLABORATING PHYSICIAN AND A PRESCRIBING PSYCHOLOGIST THAT  
37 ALLOWS THE PRESCRIBING PSYCHOLOGIST TO PRESCRIBE PSYCHOTROPIC MEDICATION  
38 AND ANY OTHER MEDICATION APPROVED BY THE UNITED STATES FOOD AND DRUG  
39 ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO ARTICLE 5 OF THIS  
40 CHAPTER.

41 ~~5.~~ 7. "Committee on behavior analysts" means the committee  
42 established by section 32-2091.15.

43 ~~6.~~ 8. "Exploit" means actions by a psychologist who takes undue  
44 advantage of the professional association with a client or patient, a  
45 student or a supervisee for the advantage or profit of the psychologist.

1           ~~7.~~ 9. "Health care institution" means a facility as defined in  
2 section 36-401.

3           ~~8.~~ 10. "Letter of concern" means an advisory letter to notify a  
4 psychologist that while there is insufficient evidence to support  
5 disciplinary action the board believes the psychologist should modify or  
6 eliminate certain practices and that continuation of the activities that  
7 led to the information being submitted to the board may result in action  
8 against the psychologist's license.

9           ~~9.~~ 11. "Patient" means a person who receives psychological  
10 services. If an individual has a legal guardian, the legal guardian is  
11 the client or patient for decision-making purposes, except that the  
12 individual receiving services is the client or patient for:

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

15           (b) Issues that the LEGAL guardian agrees to specifically reserve  
16 to the individual.

17           ~~10.~~ 12. "Practice of psychology" means the psychological  
18 assessment, diagnosis, treatment or correction of mental, emotional,  
19 behavioral or psychological abilities, illnesses or disorders or  
20 purporting or attempting to do this consistent with section 32-2076.

21           13. "PRESCRIBING PSYCHOLOGIST" MEANS A PSYCHOLOGIST WHO HOLDS A  
22 VALID PRESCRIPTION LICENSE.

23           14. "PRESCRIPTION LICENSE" MEAN A DOCUMENT THAT IS ISSUED BY THE  
24 BOARD TO A PSYCHOLOGIST WHO MEETS THE REQUIREMENTS OF ARTICLE 5 OF THIS  
25 CHAPTER AND THAT ALLOWS THE PSYCHOLOGIST WHO HAS A COLLABORATIVE  
26 PRESCRIPTION AGREEMENT WITH A COLLABORATING PHYSICIAN TO PRESCRIBE  
27 PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED  
28 STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS PURSUANT TO  
29 ARTICLE 5 OF THIS CHAPTER.

30           ~~11.~~ 15. "Psychologically incompetent" means a person ~~lacking in~~  
31 WHO LACKS sufficient psychological knowledge or skills to a degree likely  
32 to endanger the health of clients or patients.

33           ~~12.~~ 16. "Psychological service" means all actions of the  
34 psychologist in the practice of psychology.

35           ~~13.~~ 17. "Psychologist" means a natural person ~~holding~~ WHO HOLDS a  
36 license to practice psychology pursuant to this chapter.

37           18. "PSYCHOTROPIC MEDICATION" MEANS A CONTROLLED SUBSTANCE OR  
38 DANGEROUS DRUG THAT MAY NOT BE DISPENSED OR ADMINISTERED WITHOUT A  
39 PRESCRIPTION, WHOSE PRIMARY INDICATION FOR USE HAS BEEN APPROVED BY THE  
40 UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS AND  
41 THAT IS LISTED AS A PSYCHOTHERAPEUTIC AGENT IN THE MOST RECENT EDITION OF  
42 DRUG FACTS AND COMPARISONS OR IN THE AMERICAN HOSPITAL FORMULARY SERVICE  
43 DRUG INFORMATION.



1           ~~14.~~ 19. "Supervisee" means any person who functions under the  
2 extended authority of the psychologist to provide, or while in training to  
3 provide, psychological services.

4           ~~15.~~ 20. "Telepractice":

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

11           (b) Includes supervision.

12           ~~16.~~ 21. "Unprofessional conduct" includes the following activities  
13 whether occurring in this state or elsewhere:

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

15           (b) Betraying professional confidences.

16           (c) Making or using statements of a character tending to deceive or  
17 mislead.

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

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

21           (f) ENGAGING IN sexual intimacies or sexual intercourse with a  
22 current client or patient or a supervisee or with a former client or  
23 patient within two years after the cessation or termination of  
24 treatment. For the purposes of this subdivision, "sexual intercourse" has  
25 the same meaning prescribed in section 13-1401.

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

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

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

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

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

40           (l) Practicing psychology while impaired or incapacitated to the  
41 extent and in a manner that jeopardizes the welfare of the client or  
42 patient or renders the psychological services provided ineffective.

43           (m) Using fraud, misrepresentation or deception to obtain or  
44 attempt to obtain a psychology license or to pass or attempt to pass a  
45 psychology licensing examination or in assisting another person to do so.

1 (n) COMMITTING unprofessional conduct in another jurisdiction that  
2 resulted in censure, probation or a civil penalty or in the denial,  
3 suspension, restriction or revocation of a certificate or license to  
4 practice as a psychologist OR A PRESCRIBING PSYCHOLOGIST.

5 (o) Providing services that are unnecessary or unsafe or otherwise  
6 engaging in activities as a psychologist that are unprofessional by  
7 current standards of practice.

8 (p) Falsely or fraudulently claiming to have performed a  
9 professional service, charging for a service or representing a service as  
10 the licensee's own when the licensee has not rendered the service or  
11 assumed supervisory responsibility for the service.

12 (q) Representing activities or services as being performed under  
13 the licensee's supervision if the psychologist has not assumed  
14 responsibility for them and has not exercised control, oversight and  
15 review.

16 (r) Failing to obtain a client's or patient's informed and written  
17 consent to release personal or otherwise confidential information to  
18 another party unless the release is otherwise authorized by law.

19 (s) Failing to make client or patient records in the psychologist's  
20 possession promptly available to another psychologist who is licensed  
21 pursuant to this chapter on receipt of proper authorization to do so from  
22 the client or patient, a minor client's or patient's parent, the client's  
23 or patient's legal guardian or the client's or patient's authorized  
24 representative or failing to comply with title 12, chapter 13,  
25 article 7.1.

26 (t) Failing to take reasonable steps to inform or protect a  
27 client's or patient's intended victim and inform the proper law  
28 enforcement officials in circumstances in which the psychologist becomes  
29 aware during the course of providing or supervising psychological services  
30 that ~~a~~ THE client or patient intends or plans to inflict serious bodily  
31 harm on another person.

32 (u) Failing to take reasonable steps to protect a client or patient  
33 in circumstances in which the psychologist becomes aware during the course  
34 of providing or supervising psychological services that ~~a~~ THE client or  
35 patient intends or plans to inflict serious bodily harm on self.

36 (v) Abandoning or neglecting a client or patient in need of  
37 immediate care without making suitable arrangements for continuation of  
38 the care.

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

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

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

44 (z) Failing to report information to the board regarding a possible  
45 act of unprofessional conduct committed by another psychologist who is

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

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

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

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

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

21 Sec. 6. Section 32-2063, Arizona Revised Statutes, is amended to  
22 read:

23 32-2063. Powers and duties

24 A. The board shall:

25 1. Administer and enforce this chapter and board rules.

26 2. Regulate disciplinary actions, the granting, denial, revocation,  
27 renewal and suspension of licenses and the rehabilitation of licensees  
28 pursuant to this chapter and board rules.

29 3. Prescribe the forms, content and manner of application for  
30 licensure and renewal of licensure and set deadlines for the receipt of  
31 materials required by the board.

32 4. Keep a record of all licensees, board actions taken on all  
33 applicants and licensees and the receipt and disbursal of monies.

34 5. Adopt an official seal for attesting licenses and other official  
35 papers and documents.

36 6. Investigate charges of violations of this chapter and board  
37 rules and orders.

38 7. Subject to title 41, chapter 4, article 4, employ an executive  
39 director who serves at the pleasure of the board.

40 8. Annually elect from among its membership a ~~chairman~~ CHAIRPERSON,  
41 a vice ~~chairman~~ CHAIRPERSON and a secretary, who serve at the pleasure of  
42 the board.

43 9. Adopt rules pursuant to title 41, chapter 6 to carry out this  
44 chapter and to define unprofessional conduct.

1           10. Engage in a full exchange of information with other regulatory  
2 boards and psychological associations, national psychology organizations  
3 and the Arizona psychological association and its components.

4           11. By rule, adopt a code of ethics relating to the practice of  
5 psychology. The board shall base this code on the code of ethics adopted  
6 and published by the American psychological association. The board shall  
7 apply the code to all board enforcement policies and disciplinary case  
8 evaluations and development of licensing examinations.

9           12. Adopt rules regarding the use of telepractice.

10           13. Before the board takes action, receive and consider  
11 recommendations from the committee on behavior analysts on all matters  
12 relating to licensing and regulating behavior analysts, as well as  
13 regulatory changes pertaining to the practice of behavior analysis, except  
14 in the case of a summary suspension of a license pursuant to section  
15 32-2091.09, subsection E.

16           14. ~~Beginning January 1, 2022,~~ Require each applicant for an  
17 initial or temporary license or a license renewal pursuant to this chapter  
18 to have applied for a fingerprint clearance card pursuant to title 41,  
19 chapter 12, article 3.1. If an applicant is issued a valid fingerprint  
20 clearance card, the applicant shall submit the valid fingerprint clearance  
21 card to the board with the completed application. If an applicant applies  
22 for a fingerprint clearance card and is denied, the applicant may request  
23 that the board consider the application for licensure notwithstanding the  
24 absence of a valid fingerprint clearance card. The board, in its  
25 discretion, may approve an application for licensure despite the denial of  
26 a valid fingerprint clearance card if the board determines that the  
27 applicant's criminal history information on which the denial is based does  
28 not alone disqualify the applicant from licensure.

29           15. REFER ANY CHARGES INVOLVING PRESCRIBING BY A PRESCRIBING  
30 PSYCHOLOGIST TO EITHER:

31           (a) THE ARIZONA MEDICAL BOARD IF THE PRESCRIBING PSYCHOLOGIST'S  
32 COLLABORATIVE PRESCRIPTION AGREEMENT IS WITH A COLLABORATING PHYSICIAN WHO  
33 IS LICENSED PURSUANT TO CHAPTER 13 OF THIS TITLE.

34           (b) THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND  
35 SURGERY IF THE PRESCRIBING PSYCHOLOGIST'S COLLABORATIVE PRESCRIPTION  
36 AGREEMENT IS WITH A COLLABORATING PHYSICIAN WHO IS LICENSED PURSUANT TO  
37 CHAPTER 17 OF THIS TITLE.

38           16. RECEIVE AND CONSIDER RECOMMENDATIONS FROM THE ARIZONA MEDICAL  
39 BOARD OR THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND  
40 SURGERY BEFORE TAKING ACTION REGARDING MATTERS RELATED TO PRESCRIBING BY A  
41 PRESCRIBING PSYCHOLOGIST.

42           B. Subject to title 41, chapter 4, article 4, the board may employ  
43 personnel it deems necessary to carry out this chapter. The board, in  
44 investigating violations of this chapter, may employ investigators who may  
45 be psychologists. The board or its executive director may take and hear

1 evidence, administer oaths and affirmations and compel by subpoena the  
2 attendance of witnesses and the production of books, papers, records,  
3 documents and other information relating to the investigation or hearing.

4 C. Subject to section 35-149, the board may accept, expend and  
5 account for gifts, grants, devises and other contributions, monies or  
6 property from any public or private source, including the federal  
7 government. The board shall deposit, pursuant to sections 35-146 and  
8 35-147, monies received pursuant to this subsection in special funds for  
9 the purpose specified, and monies in these funds are exempt from the  
10 provisions of section 35-190 relating to lapsing of appropriations.

11 D. Compensation for all personnel shall be determined pursuant to  
12 section 38-611.

13 Sec. 7. Title 32, chapter 19.1, Arizona Revised Statutes, is  
14 amended by adding article 5, to read:

15 ARTICLE 5. PSYCHOLOGISTS' PRESCRIBING AUTHORITY

16 32-2095. Prescription licenses; requirements; limitations;  
17 immunity of collaborating physicians

18 A. A PSYCHOLOGIST MAY APPLY TO THE BOARD FOR A PRESCRIPTION LICENSE  
19 ON A FORM APPROVED BY THE BOARD AND SHALL INCLUDE WITH THE APPLICATION  
20 EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT MEETS ALL OF THE  
21 FOLLOWING REQUIREMENTS:

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

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

27 3. SUCCESSFULLY COMPLETED PHARMACOLOGICAL TRAINING FROM AN  
28 INSTITUTION OF HIGHER EDUCATION APPROVED BY THE STATE BOARD OF  
29 PSYCHOLOGIST EXAMINERS OR FROM A PROVIDER OF CONTINUING EDUCATION APPROVED  
30 BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION WITH THE  
31 ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN  
32 MEDICINE AND SURGERY.

33 4. PASSED A NATIONAL CERTIFICATION EXAMINATION APPROVED BY THE  
34 BOARD THAT TESTS THE APPLICANT'S KNOWLEDGE OF PHARMACOLOGY IN DIAGNOSING,  
35 CARING FOR AND TREATING MENTAL DISORDERS.

36 5. SUCCESSFULLY COMPLETED AN ORGANIZED PROGRAM OF EDUCATION THAT IS  
37 APPROVED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION  
38 WITH THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC  
39 EXAMINERS IN MEDICINE AND SURGERY, AND THAT CONSISTS OF AT LEAST ALL OF  
40 THE FOLLOWING CORE AREAS OF INSTRUCTION:

41 (a) BIOLOGICAL FOUNDATIONS OF PSYCHOPHARMACOLOGY.

42 (b) NEUROSCIENCE.

43 (c) NEUROPHARMACOLOGY.

44 (d) PSYCHOPHARMACOLOGY.

45 (e) CLINICAL PHARMACOLOGY.

- 1 (f) PROFESSIONAL ISSUES AND PRACTICE MANAGEMENT.
- 2 (g) TREATMENT ISSUES IN PSYCHOPHARMACOLOGY, INCLUDING AFFECTIVE
- 3 DISORDERS, PSYCHOTIC DISORDERS AND ANXIETY DISORDERS.
- 4 (h) APPROPRIATE AND RELEVANT PHYSICAL AND LABORATORY ASSESSMENT.
- 5 6. SUCCESSFULLY COMPLETED SPECIFIC MINIMUM UNDERGRADUATE BIOMEDICAL
- 6 COURSEWORK, INCLUDING, AT A MINIMUM, THE FOLLOWING SUBJECT AREAS:
- 7 (a) CHEMISTRY I AND II.
- 8 (b) ORGANIC CHEMISTRY OR BIOCHEMISTRY.
- 9 (c) ANATOMY AND PHYSIOLOGY OR PHYSIOLOGY.
- 10 (d) GENERAL BIOLOGY I AND II.
- 11 (e) MICROBIOLOGY.
- 12 7. IS CERTIFIED BY EACH OF THE APPLICANT'S SUPERVISING PHYSICIANS
- 13 AS HAVING SUCCESSFULLY COMPLETED A SUPERVISED AND RELEVANT CLINICAL
- 14 EXPERIENCE THAT IS APPROVED BY THE BOARD AND THAT INCLUDES BOTH OF THE
- 15 FOLLOWING:
- 16 (a) A PRACTICUM OF AT LEAST FOURTEEN MONTHS OF SUPERVISED CLINICAL
- 17 TRAINING OF AT LEAST FIFTY PERCENT OF FULL-TIME STATUS AND AT LEAST TWENTY
- 18 HOURS PER WEEK IN CLINICAL ASSESSMENT AND PATHOPHYSIOLOGY UNDER THE
- 19 SUPERVISION OF A PHYSICIAN.
- 20 (b) A PRACTICUM OF AT LEAST ONE THOUSAND HOURS THAT IS SUPERVISED
- 21 IN PERSON BY ANY ONE OR A COMBINATION OF PSYCHIATRISTS OR OTHER
- 22 APPROPRIATELY TRAINED PHYSICIANS AND THAT IS DETERMINED BY THE BOARD TO BE
- 23 SUFFICIENT TO COMPETENTLY TRAIN THE APPLICANT IN TREATING A DIVERSE
- 24 PATIENT POPULATION.
- 25 8. HAS MALPRACTICE INSURANCE IN PLACE THAT IS SUFFICIENT TO SATISFY
- 26 THE RULES ADOPTED BY THE BOARD AND THAT WILL COVER THE APPLICANT UP TO
- 27 \$1,000,000 PER INCIDENT AND \$3,000,000 PER YEAR OR AS OTHERWISE APPROVED
- 28 BY THE BOARD.
- 29 B. THE BOARD SHALL ISSUE A PRESCRIPTION LICENSE IF THE BOARD FINDS
- 30 THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION.
- 31 THE PRESCRIPTION LICENSE IS VALID FOR A PERIOD OF TWO YEARS. AT THE END
- 32 OF THE TWO-YEAR PERIOD, THE HOLDER MAY APPLY TO RENEW THE PRESCRIPTION
- 33 LICENSE.
- 34 C. A PRESCRIBING PSYCHOLOGIST MUST HAVE A COLLABORATIVE
- 35 PRESCRIPTION AGREEMENT IN PLACE IN ORDER TO PRESCRIBE MEDICATION. A
- 36 COLLABORATIVE PRESCRIPTION AGREEMENT MAY BE TERMINATED BY EITHER THE
- 37 PRESCRIBING PSYCHOLOGIST OR THE COLLABORATING PHYSICIAN. THE PRESCRIBING
- 38 PSYCHOLOGIST SHALL NOTIFY THE BOARD AT LEAST THIRTY DAYS BEFORE A
- 39 COLLABORATIVE PRESCRIPTION AGREEMENT IS TERMINATED.
- 40 D. A PSYCHOLOGIST WHO HOLDS A PRESCRIPTION LICENSE AND WHO HAS A
- 41 COLLABORATIVE PRESCRIPTION AGREEMENT WITH A COLLABORATING PHYSICIAN MAY:
- 42 1. PRESCRIBE PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION
- 43 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL
- 44 DISORDERS PURSUANT TO THIS ARTICLE AND THE COLLABORATIVE PRESCRIPTION
- 45 AGREEMENT.

1           2. ORDER LABORATORY TESTING, IMAGING AND MEDICAL TESTS NECESSARY  
2 BEFORE PRESCRIBING MEDICATION, DURING THE PERIOD OF PRESCRIBED MEDICATION  
3 AND AT THE END OF A PERIOD OF PRESCRIBED MEDICATION.

4           E. A PSYCHOLOGIST WITH A PRESCRIPTION LICENSE MAY PRESCRIBE  
5 PSYCHOTROPIC MEDICATION AND ANY OTHER MEDICATION APPROVED BY THE UNITED  
6 STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS UNDER A  
7 COLLABORATIVE PRESCRIPTION AGREEMENT IF THE PSYCHOLOGIST CONTINUES TO MEET  
8 ALL OF THE FOLLOWING:

9           1. HOLDS A CURRENT LICENSE TO PRACTICE PSYCHOLOGY IN THIS STATE AND  
10 CONTINUES TO MAINTAIN MALPRACTICE INSURANCE.

11           2. NOTIFIES THE BOARD OF THE NAME OF THE PSYCHOLOGIST'S  
12 COLLABORATING PHYSICIAN.

13           3. ANNUALLY SATISFIES ALL CONTINUING EDUCATION REQUIREMENTS FOR  
14 PRESCRIBING PSYCHOLOGISTS AS PRESCRIBED BY THE BOARD, WHICH SHALL REQUIRE  
15 AT LEAST FORTY HOURS EACH RENEWAL PERIOD.

16           F. THE FOLLOWING LIMITATIONS APPLY TO A PRESCRIBING PSYCHOLOGIST  
17 WHEN PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE:

18           1. THE PRESCRIBING PSYCHOLOGIST MAY PRESCRIBE AND ADMINISTER  
19 STIMULANTS TO TREAT ATTENTION DEFICIT HYPERACTIVITY DISORDER, REGARDLESS  
20 OF THE STIMULANT'S SCHEDULE CLASSIFICATION.

21           2. THE PRESCRIBING PSYCHOLOGIST MAY PRESCRIBE TO PERSONS WITH A  
22 SUBSTANCE USE DISORDER SCHEDULE II CONTROLLED SUBSTANCES THAT ARE APPROVED  
23 BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL  
24 DISORDERS PURSUANT TO THIS ARTICLE ONLY IF ALL OF THE FOLLOWING APPLY:

25           (a) THE PRESCRIBING PSYCHOLOGIST HAS COMPLETED THE APPROPRIATE  
26 EDUCATION, SUPERVISED CLINICAL TRAINING AND CONTINUING EDUCATION AS  
27 PRESCRIBED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION  
28 WITH THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC  
29 EXAMINERS IN MEDICINE AND SURGERY.

30           (b) THE POPULATION IS IDENTIFIED IN THE PRESCRIBING PSYCHOLOGIST'S  
31 COLLABORATIVE PRESCRIPTION AGREEMENT.

32           (c) THE COLLABORATING PHYSICIAN AGREES TO THE PSYCHOLOGIST'S  
33 CAPACITY TO PRESCRIBE.

34           3. THE PRESCRIBING PSYCHOLOGIST MAY PRESCRIBE FOR CHILDREN AND  
35 PROVIDE ADOLESCENT CARE FOR PERSONS WHO ARE AT LEAST TWELVE YEARS OF AGE  
36 IF ALL OF THE FOLLOWING APPLY:

37           (a) THE PRESCRIBING PSYCHOLOGIST HAS COMPLETED THE APPROPRIATE  
38 EDUCATION, SUPERVISED CLINICAL TRAINING AND CONTINUING EDUCATION AS  
39 PRESCRIBED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION  
40 WITH THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC  
41 EXAMINERS IN MEDICINE AND SURGERY.

42           (b) THE POPULATION IS IDENTIFIED IN THE PRESCRIBING PSYCHOLOGIST'S  
43 COLLABORATIVE PRESCRIPTION AGREEMENT.

44           (c) THE COLLABORATING PHYSICIAN AGREES TO THE PSYCHOLOGIST'S  
45 CAPACITY TO PRESCRIBE.

1 4. THE PRESCRIBING PSYCHOLOGIST MAY PRESCRIBE FOR PERSONS WHO ARE  
2 AT LEAST SIXTY-FIVE YEARS OF AGE IF ALL OF THE FOLLOWING APPLY:

3 (a) THE PRESCRIBING PSYCHOLOGIST HAS COMPLETED THE APPROPRIATE  
4 EDUCATION, SUPERVISED CLINICAL TRAINING AND CONTINUING EDUCATION AS  
5 PRESCRIBED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION  
6 WITH THE ARIZONA MEDICAL BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC  
7 EXAMINERS IN MEDICINE AND SURGERY.

8 (b) THE POPULATION IS IDENTIFIED IN THE PRESCRIBING PSYCHOLOGIST'S  
9 COLLABORATIVE PRESCRIPTION AGREEMENT.

10 (c) THE COLLABORATING PHYSICIAN AGREES TO THE PSYCHOLOGIST'S  
11 CAPACITY TO PRESCRIBE.

12 5. THE PRESCRIBING PSYCHOLOGIST MAY NOT PRESCRIBE FOR PERSONS WHO  
13 ARE UNDER TWELVE YEARS OF AGE, PERSONS WHO ARE PREGNANT OR PERSONS WHO ARE  
14 MEDICALLY COMPLEX.

15 G. A COLLABORATING PHYSICIAN IS NOT LIABLE FOR THE ACTS OF A  
16 PRESCRIBING PSYCHOLOGIST UNLESS THE INJURY OR LOSS ARISES FROM AN ACT  
17 UNDER THE DIRECTION AND CONTROL OF THE COLLABORATING PHYSICIAN.

18 32-2095.01. Rules

19 A. THE BOARD SHALL ADOPT RULES THAT DO ALL OF THE FOLLOWING:

20 1. PROVIDE FOR THE PROCEDURES TO BE FOLLOWED IN OBTAINING A  
21 PRESCRIPTION LICENSE AND PRESCRIPTION LICENSE RENEWALS.

22 2. ESTABLISH LICENSE AND RENEWAL FEES.

23 3. ESTABLISH THE GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF  
24 PRESCRIPTION LICENSES, INCLUDING A PROVISION FOR SUSPENDING OR REVOKING A  
25 LICENSE TO PRACTICE PSYCHOLOGY ON THE SUSPENSION OR REVOCATION OF THE  
26 PSYCHOLOGIST'S PRESCRIPTION LICENSE. THE DENIAL, SUSPENSION OR REVOCATION  
27 OF PRESCRIPTION LICENSES SHALL BE IN ACCORDANCE WITH TITLE 41, CHAPTER 6,  
28 ARTICLE 10.

29 B. THE BOARD MAY ADOPT ANY OTHER RULES NECESSARY FOR THE PURPOSES  
30 OF THIS ARTICLE.

31 32-2095.02. Collaborative prescription agreements; guidelines

32 A. A COLLABORATIVE PRESCRIPTION AGREEMENT IS REQUIRED FOR ALL  
33 PRESCRIBING PSYCHOLOGISTS PRACTICING WITH A PRESCRIPTION LICENSE ISSUED  
34 PURSUANT TO THIS ARTICLE. A COLLABORATIVE PRESCRIPTION AGREEMENT MAY  
35 INCLUDE ONLY MEDICATIONS TO TREAT MENTAL HEALTH DISEASE OR ILLNESS THAT  
36 THE COLLABORATING PHYSICIAN GENERALLY PROVIDES TO THE PHYSICIAN'S PATIENTS  
37 IN THE NORMAL COURSE OF THE PHYSICIAN'S CLINICAL PRACTICE.

38 B. A COLLABORATIVE PRESCRIPTION AGREEMENT SHALL:

39 1. BE IN WRITING AND DESCRIBE THE WORKING RELATIONSHIP BETWEEN THE  
40 PRESCRIBING PSYCHOLOGIST AND THE COLLABORATING PHYSICIAN.

41 2. IDENTIFY THE SPECIFIC CONTROLLED SUBSTANCES BY BRAND NAME OR  
42 GENERIC NAME THAT THE COLLABORATING PHYSICIAN GENERALLY PROVIDES TO THE  
43 PHYSICIAN'S PATIENTS IN THE NORMAL COURSE OF THE PHYSICIAN'S CLINICAL  
44 PRACTICE.



1           3. PROMOTE THE EXERCISE OF PROFESSIONAL JUDGMENT BY THE PRESCRIBING  
2 PSYCHOLOGIST CONSISTENT WITH THE PRESCRIBING PSYCHOLOGIST'S TRAINING,  
3 EDUCATION AND EXPERIENCE.

4           4. PROVIDE METHODS AND GUIDELINES FOR COMMUNICATION BETWEEN THE  
5 COLLABORATING PHYSICIAN AND THE PRESCRIBING PSYCHOLOGIST, INCLUDING  
6 IN-PERSON AND TELEPHONIC COMMUNICATIONS. THE COLLABORATING PHYSICIAN IS  
7 NOT REQUIRED TO BE PERSONALLY PRESENT AT THE PLACE WHERE THE PRESCRIBING  
8 PSYCHOLOGIST RENDERS SERVICES.

9           5. PROVIDE FOR ADEQUATE COLLABORATION BETWEEN THE COLLABORATING  
10 PHYSICIAN AND THE PRESCRIBING PSYCHOLOGIST AS DETERMINED BY THE STATE  
11 BOARD OF PSYCHOLOGIST EXAMINERS, IN CONSULTATION WITH THE ARIZONA MEDICAL  
12 BOARD AND THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND  
13 SURGERY.

14           6. CONTAIN PROVISIONS ADDRESSING TERMINATION OF OR CHANGES TO THE  
15 COLLABORATIVE PRESCRIPTION AGREEMENT.

16           C. THE COLLABORATIVE PRESCRIPTION AGREEMENT MAY NOT RESTRICT  
17 THIRD-PARTY PAYMENT SOURCES ACCEPTED BY THE PRESCRIBING PSYCHOLOGIST  
18 UNLESS THERE IS AN EMPLOYMENT RELATIONSHIP BETWEEN THE COLLABORATING  
19 PHYSICIAN AND THE PRESCRIBING PSYCHOLOGIST.

20           D. THE PRESCRIBING PSYCHOLOGIST OR THE COLLABORATING PHYSICIAN  
21 SHALL PROVIDE A COPY OF THE FULLY EXECUTED COLLABORATIVE PRESCRIPTION  
22 AGREEMENT TO THE BOARD WITHIN A REASONABLE TIME ON REQUEST.

23           32-2095.03. Prescribing psychologists; optimal patient care;  
24                                   prescription requirements; annual list;  
25                                   definition

26           A. A PRESCRIBING PSYCHOLOGIST SHALL MAINTAIN AN ONGOING  
27 RELATIONSHIP WITH THE PATIENT'S HEALTH CARE PRACTITIONER PURSUANT TO  
28 GUIDELINES DEVELOPED BY THE BOARD, WHICH SHALL OPTIMIZE PATIENT CARE. THE  
29 GUIDELINES SHALL ENSURE THAT THE PRESCRIBING PSYCHOLOGIST AND THE  
30 PATIENT'S HEALTH CARE PRACTITIONER COORDINATE AND COLLABORATE ON THE CARE  
31 OF THE PATIENT TO PROVIDE OPTIMAL CARE. THIS SUBSECTION DOES NOT REQUIRE  
32 A PRESCRIBING PSYCHOLOGIST TO GIVE PRIOR NOTICE TO OR OBTAIN PRIOR  
33 APPROVAL FROM A PATIENT'S HEALTH CARE PRACTITIONER TO PRESCRIBE  
34 PSYCHOTROPIC MEDICATION OR ANY OTHER MEDICATION APPROVED BY THE UNITED  
35 STATES FOOD AND DRUG ADMINISTRATION TO TREAT MENTAL DISORDERS TO A PATIENT  
36 WITH WHOM THE PRESCRIBING PSYCHOLOGIST HAS ESTABLISHED A  
37 PSYCHOLOGIST-PATIENT RELATIONSHIP. THE PRESCRIBING PSYCHOLOGIST MUST  
38 PROVIDE WRITTEN NOTICE OF THE PRESCRIPTION TO THE PATIENT'S HEALTH CARE  
39 PRACTITIONER WITHIN TWENTY-FOUR HOURS AFTER ISSUING THE PRESCRIPTION TO  
40 THE PATIENT.

41           B. EACH PRESCRIPTION WRITTEN BY A PRESCRIBING PSYCHOLOGIST SHALL  
42 MEET ALL OF THE FOLLOWING REQUIREMENTS:

43           1. COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS.

44           2. INDICATE THAT THE PRESCRIPTION IS ISSUED BY A PSYCHOLOGIST WHO  
45 IS LICENSED TO PRESCRIBE.



1 compliance with the requirements of this chapter, the rules adopted  
2 pursuant to this chapter and the rules adopted by the department of health  
3 services to reduce opioid overdose and death.

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

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

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

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

21 6. A health care insurer. Except as required pursuant to  
22 subsection B of this section, the board shall provide this information  
23 only if the health care insurer states in writing that the information is  
24 necessary for an open investigation or complaint or for performing a drug  
25 utilization review for controlled substances that supports the prevention  
26 of opioid overuse or abuse and the safety and quality of care provided to  
27 the insured.

28 7. A person who is serving a lawful order of a court of competent  
29 jurisdiction.

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

33 9. A county medical examiner or alternate medical examiner who is  
34 directing an investigation into the circumstances surrounding a death as  
35 described in section 11-593 or a delegate who is authorized by the county  
36 medical examiner or alternate medical examiner.

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

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

- 3 1. Credentialing health care professionals.
- 4 2. Determining payment.
- 5 3. Preemployment screening.
- 6 4. Any purpose other than as specified in this section.

7 E. For a fee determined by the board, the board may provide data to  
8 public or private entities for statistical, research or educational  
9 purposes after removing information that could be used to identify  
10 individual patients or persons who received prescriptions from dispensers.

11 F. Any employee of the administration, a contractor or a health  
12 care insurer who is assigned delegate access to the program shall operate  
13 under the authority and responsibility of the administration's,  
14 contractor's or health care insurer's chief medical officer or other  
15 employee who is a licensed health care professional and who is authorized  
16 to prescribe or dispense controlled substances. A delegate of the  
17 administration, a contractor or a health care insurer shall hold a valid  
18 license or certification issued pursuant to title 32, chapter 7, 11, 13,  
19 14, 15, 16, 17, 18, 19.1, 25, 29 or 33 as a condition of being assigned  
20 and provided delegate access to the program by the board. Each employee  
21 of the administration, a contractor or a health care insurer who is a  
22 licensed health care professional and who is authorized to prescribe or  
23 dispense controlled substances may authorize not more than ten delegates.

24 G. If, after reviewing the information provided pursuant to  
25 subsection C, paragraph 4 of this section, an investigator finds no  
26 evidence of a statutory crime but suspects a medical practitioner of  
27 prescribing controlled substances inappropriately in manner or amount, the  
28 investigator may refer the medical practitioner to the relevant  
29 professional licensing board for investigation of possible deviation from  
30 the standard of care but may not arrest or otherwise undertake criminal  
31 proceedings against the medical practitioner.

32 H. A person who is authorized to prescribe or dispense controlled  
33 substances or the chief medical officer or other licensed health care  
34 professional of the administration, a contractor or a health care insurer  
35 who is authorized to prescribe or dispense controlled substances shall  
36 deactivate a delegate within five business days after an employment status  
37 change, the request of the delegate or the inappropriate use of the  
38 controlled substances prescription monitoring program's central database  
39 tracking system.

40 I. For the purposes of this section:

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

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

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

1 (b) An unlicensed medical records technician, medical assistant or  
2 office manager who is employed in the office of or in a hospital with the  
3 prescriber or dispenser and who has received training regarding both the  
4 health insurance portability and accountability act privacy standards  
5 (45 Code of Federal Regulations part 164, subpart E) and security  
6 standards (45 Code of Federal Regulations part 164, subpart C).

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

10 (d) A registered pharmacy technician trainee, licensed pharmacy  
11 technician or licensed pharmacy intern who works in a facility with the  
12 dispenser.

13 (e) Any employee of the administration, a contractor or a health  
14 care insurer who is authorized by the administration's, contractor's or  
15 health care insurer's chief medical officer or other licensed health care  
16 professional who is authorized to prescribe or dispense controlled  
17 substances.

18 3. "Health care insurer" has the same meaning prescribed in section  
19 20-3151.

20 Sec. 9. Section 36-2606, Arizona Revised Statutes, is amended to  
21 read:

22 36-2606. Registration; access; requirements; mandatory use;  
23 annual user satisfaction survey; report;  
24 definitions

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

43 1. A facility that has a valid United States drug enforcement  
44 administration registration number.

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

3           B. The registration is:

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

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

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

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

14          3. Not transferable or assignable.

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

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

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

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

42          G. Before a pharmacist dispenses or before a pharmacy technician or  
43 pharmacy intern of a remote dispensing site pharmacy dispenses a schedule  
44 II controlled substance, a dispenser shall obtain a patient utilization  
45 report regarding the patient for the preceding twelve months from the

1 controlled substances prescription monitoring program's central database  
2 tracking system at the beginning of each new course of treatment.

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

6 1. The patient is receiving hospice care or palliative care for a  
7 serious or chronic illness.

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

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

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

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

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

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

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

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

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

43 1. Requesting or receiving, or failing to request or receive,  
44 prescription monitoring data from the program's central database tracking  
45 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. 10. Exemption from rulemaking

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