

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 23-1071

BY REPRESENTATIVE(S) Amabile and Bradfield, Armagost, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Jodeh, Lindsay, Lindstedt, Mabrey, Marshall, McCormick, McLachlan, Ricks, Velasco, Weinberg, Young, McCluskie, Bird, Hamrick, Holtorf, Kipp, Parenti, Sharbini, Sirota, Snyder, Weissman;
also SENATOR(S) Simpson and Fenberg, Bridges, Coleman, Fields, Gardner, Ginal, Gonzales, Hinrichsen, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Moreno, Pelton B., Pelton R., Priola, Rodriguez, Sullivan, Will, Winter F.

CONCERNING THE AUTHORITY OF A LICENSED PSYCHOLOGIST TO PRESCRIBE PSYCHOTROPIC MEDICATION FOR THE TREATMENT OF MENTAL HEALTH DISORDERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-245-224, **add** (3) as follows:

12-245-224. Prohibited activities - related provisions - definition.

(3) (a) THE BOARD SHALL DESIGN AND SEND A QUESTIONNAIRE TO ALL LICENSED PSYCHOLOGISTS WITH PRESCRIPTIVE AUTHORITY WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED QUESTIONNAIRE. THE PURPOSE OF THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

QUESTIONNAIRE IS TO DETERMINE WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS PART 2 OR HAS BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A VIOLATION OF THIS PART 2 OR THAT MIGHT MAKE THE LICENSEE UNFIT TO PRACTICE PSYCHOLOGY WITH REASONABLE CARE AND SAFETY. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE ACCURATELY, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINE UNDER THIS SECTION. THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE PAID PURSUANT TO SECTION 12-245-205. THE BOARD MAY DENY AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.

(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 2. In Colorado Revised Statutes, 12-30-109, **amend** (1)(b), (4)(e), and (4)(f); and **add** (4)(g) as follows:

12-30-109. Prescriptions - limitations - definition - rules.

(1) (b) Prior to prescribing any opioid or benzodiazepine prescription pursuant to this section, a prescriber must comply with section 12-280-404 (4). Failure to comply with section 12-280-404 (4) constitutes unprofessional conduct or grounds for discipline, as applicable, under section 12-220-201, 12-240-121, **12-245-224**, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, as applicable to the particular prescriber, only if the prescriber repeatedly fails to comply.

(4) As used in this section, "prescriber" means:

(e) A podiatrist licensed pursuant to article 290 of this title 12; ~~or~~

(f) A veterinarian licensed pursuant to part 1 of article 315 of this title 12; OR

(g) A LICENSED PSYCHOLOGIST WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-245-309.

SECTION 3. In Colorado Revised Statutes, 12-245-301, **amend** (4), (5), and (6); and **add** (7), (8), (9), (10), and (11) as follows:

12-245-301. Definitions. As used in this part 3, unless the context otherwise requires:

(4) ~~"Licensed psychologist" means a person licensed under this part 3~~ "INDEPENDENTLY LICENSED PRESCRIBING PHYSICIAN" MEANS A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12 WHO SUPERVISES LICENSED PSYCHOLOGISTS PARTICIPATING IN PRACTICUMS DESCRIBED IN SECTION 12-245-309 (2)(a)(IV).

(5) ~~"Professional psychological training program" means a doctoral training program that:~~

~~(a) Is a planned program of study that reflects an integration of the science and practice of psychology; and~~

~~(b) For applicants receiving their terminal degrees after 1990, is designated as a doctoral program in psychology by the Association of State and Provincial Psychology Boards or the National Register of Health Service Psychologists, or is accredited by the American Psychological Association or Canadian Psychological Association~~ "LICENSED PSYCHOLOGIST" MEANS A PERSON LICENSED PURSUANT TO THIS PART 3.

(6) ~~"Telepsychology" means the provision of psychological services using telecommunications technologies~~ "NARCOTIC DRUG" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-18-102 (20).

(7) "PRESCRIBING PSYCHOLOGIST" MEANS A LICENSED PSYCHOLOGIST WHO HOLDS A PRESCRIPTION CERTIFICATE.

(8) "PRESCRIPTION CERTIFICATE" MEANS A DOCUMENT ISSUED BY THE BOARD, WITH APPROVAL OF THE COLORADO MEDICAL BOARD, TO A LICENSED PSYCHOLOGIST THAT PERMITS THE LICENSED PSYCHOLOGIST TO PRESCRIBE PSYCHOTROPIC MEDICATIONS PURSUANT TO THIS PART 3.

(9) "PROFESSIONAL PSYCHOLOGICAL TRAINING PROGRAM" MEANS A DOCTORAL TRAINING PROGRAM THAT:

(a) IS A PLANNED PROGRAM OF STUDY THAT REFLECTS AN INTEGRATION OF THE SCIENCE AND PRACTICE OF PSYCHOLOGY; AND

(b) FOR APPLICANTS RECEIVING THEIR TERMINAL DEGREES AFTER 1990, IS DESIGNATED AS A DOCTORAL PROGRAM IN PSYCHOLOGY BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS OR THE NATIONAL REGISTER OF HEALTH SERVICE PSYCHOLOGISTS OR IS ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR CANADIAN PSYCHOLOGICAL ASSOCIATION.

(10) (a) "PSYCHOTROPIC MEDICATION" MEANS A CONTROLLED SUBSTANCE OR DANGEROUS DRUG:

(I) THAT MAY NOT BE DISPENSED OR ADMINISTERED WITHOUT A PRESCRIPTION;

(II) FOR WHICH THE PRIMARY INDICATION FOR USE IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF MENTAL HEALTH DISORDERS; AND

(III) THAT IS LISTED AS A PSYCHOTHERAPEUTIC AGENT IN THE MOST RECENT EDITION OF "DRUG FACTS AND COMPARISONS" OR IN THE AMERICAN HOSPITAL FORMULARY SERVICE DRUG INFORMATION COMPENDIUM.

(b) "PSYCHOTROPIC MEDICATION" DOES NOT INCLUDE A NARCOTIC DRUG.

(11) "TELEPSYCHOLOGY" MEANS THE PROVISION OF PSYCHOLOGICAL SERVICES USING TELECOMMUNICATIONS TECHNOLOGIES.

SECTION 4. In Colorado Revised Statutes, 12-245-302, **amend** (2)(a) as follows:

12-245-302. State board of psychologist examiners - created - members - terms. (2) The board consists of seven members who are residents of the state of Colorado as follows:

(a) Four board members must be licensed psychologists, at least two of whom shall be engaged in the direct practice of psychology AND ONE OF WHOM IS A PRESCRIBING PSYCHOLOGIST; except that, if, after a good-faith

attempt, the governor determines that an applicant for membership on the board pursuant to this subsection (2)(a) who is engaged in the direct practice of psychology OR WHO IS A PRESCRIBING PSYCHOLOGIST is not available to serve on the board for a particular term, the governor may appoint a licensed psychologist who is not engaged in the direct practice of psychology OR WHO IS NOT A PRESCRIBING PSYCHOLOGIST.

SECTION 5. In Colorado Revised Statutes, **add** 12-245-309 as follows:

12-245-309. Prescription authority - psychotropic drugs - prescription certificates - requirements - issuance, denial, renewal, and revocation of certification - rules. (1) Prescribing and administering psychotropic medications. (a) A LICENSED PSYCHOLOGIST MAY ONLY ADMINISTER OR PRESCRIBE PSYCHOTROPIC MEDICATION TO A PERSON PURSUANT TO THE REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS SECTION.

(b) A LICENSED PSYCHOLOGIST MUST HOLD A PRESCRIPTION CERTIFICATE IN ORDER TO PRESCRIBE OR ADMINISTER PSYCHOTROPIC MEDICATION.

(2) **Prescription certificate.** (a) A LICENSED PSYCHOLOGIST MAY APPLY TO THE BOARD FOR A PRESCRIPTION CERTIFICATE IN THE FORM AND MANNER APPROVED BY THE BOARD. THE APPLICANT MUST INCLUDE SATISFACTORY EVIDENCE THAT THE APPLICANT:

(I) HAS COMPLETED A DOCTORAL PROGRAM IN PSYCHOLOGY FROM AN APPROVED SCHOOL OR FROM A DOCTORAL PROGRAM THAT WAS NOT ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION BUT MEETS THE PROFESSIONAL STANDARDS APPROVED BY THE BOARD;

(II) HAS SUCCESSFULLY COMPLETED A MASTER OF SCIENCE IN A CLINICAL PSYCHOPHARMACOLOGY PROGRAM THAT IS DESIGNATED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR ANY EDUCATION AS SET FORTH IN RULES PROMULGATED BY THE BOARD WITH APPROVAL OF THE COLORADO MEDICAL BOARD AND THAT CONSISTS OF DIDACTIC INSTRUCTION OF AT LEAST FOUR HUNDRED FIFTY CLASSROOM HOURS IN AT LEAST THE FOLLOWING CORE AREAS OF INSTRUCTION:

- (A) NEUROSCIENCE;
- (B) PHARMACOLOGY;
- (C) PSYCHOPHARMACOLOGY;
- (D) PHYSIOLOGY;
- (E) PATHOPHYSIOLOGY;
- (F) APPROPRIATE AND RELEVANT PHYSICAL AND LABORATORY ASSESSMENT;
- (G) CLINICAL PHARMACOTHERAPEUTICS; AND
- (H) BASIC SCIENCES, INCLUDING GENERAL BIOLOGY, MICROBIOLOGY, CELL AND MOLECULAR BIOLOGY, HUMAN ANATOMY, HUMAN PHYSIOLOGY, BIOCHEMISTRY, AND GENETICS, AS PART OF OR PRIOR TO ENROLLMENT IN A MASTER OF SCIENCE DEGREE PROGRAM IN CLINICAL PSYCHOPHARMACOLOGY.

(III) HAS PASSED THE PSYCHOPHARMACOLOGY EXAMINATION FOR PSYCHOLOGISTS DEVELOPED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS, OR ITS SUCCESSOR ORGANIZATION;

(IV) HAS BEEN CERTIFIED BY EACH OF THE APPLICANT'S INDEPENDENTLY LICENSED PRESCRIBING PHYSICIANS AS HAVING SUCCESSFULLY COMPLETED, IN NOT LESS THAN TWELVE MONTHS BUT NO MORE THAN TWENTY-FOUR MONTHS, A SUPERVISED AND RELEVANT CLINICAL EXPERIENCE APPROVED BY THE BOARD AND THE COLORADO MEDICAL BOARD THAT CONSISTS OF:

(A) A ONE-TO-ONE, IN-PERSON SUPERVISED PRACTICUM, OF AT LEAST SEVEN HUNDRED FIFTY HOURS TREATING AT LEAST ONE HUNDRED FIFTY CLIENTS WITH MENTAL HEALTH DISORDERS UNDER THE SUPERVISION OF ANY ONE OR A COMBINATION OF APPROPRIATELY TRAINED INDEPENDENTLY LICENSED PRESCRIBING PHYSICIANS WHO HAVE BEEN DETERMINED BY THE BOARD AND THE COLORADO MEDICAL BOARD AS COMPETENT TO TRAIN THE APPLICANT IN THE TREATMENT OF A DIVERSE CLIENT POPULATION;

(B) INCLUDED IN THE SEVEN HUNDRED FIFTY HOURS REQUIRED IN SUBSECTION (2)(a)(IV)(A) OF THIS SECTION, AT LEAST AN EIGHTY-HOUR PRACTICUM IN OBSERVATIONAL CLINICAL ASSESSMENT AND PATHOPHYSIOLOGY UNDER THE SUPERVISION OF AN INDEPENDENTLY LICENSED PRESCRIBING PHYSICIAN; AND

(C) IF THE LICENSED PSYCHOLOGIST IS WORKING WITH PATIENTS UNDER EIGHTEEN YEARS OF AGE OR OVER SIXTY-FIVE YEARS OF AGE, AT LEAST TWO HUNDRED FIFTY OF THE SEVEN HUNDRED FIFTY HOURS REQUIRED IN SUBSECTION (2)(a)(IV)(A) OF THIS SECTION UNDER THE SUPERVISION OF ONE OR MORE INDEPENDENTLY LICENSED PRESCRIBING PHYSICIANS WHO WORK WITH PATIENTS UNDER EIGHTEEN YEARS OF AGE OR OVER SIXTY-FIVE YEARS OF AGE, WHICHEVER IS APPLICABLE, IF THE LICENSED PSYCHOLOGIST IS WORKING WITH SUCH PATIENTS;

(V) HAS SUCCESSFULLY UNDERGONE A PROCESS OF INDEPENDENT PEER REVIEW AS SET FORTH IN RULE OF THE BOARD AND APPROVED BY THE COLORADO MEDICAL BOARD;

(VI) MAINTAINS COMMERCIAL PROFESSIONAL LIABILITY INSURANCE WITH AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE OR AN ELIGIBLE NONADMITTED INSURER AUTHORIZED TO PROVIDE INSURANCE PURSUANT TO ARTICLE 5 OF TITLE 10 IN A MINIMUM INDEMNITY AMOUNT OF ONE MILLION DOLLARS PER INCIDENT AND THREE MILLION DOLLARS ANNUAL AGGREGATE PER YEAR; AND

(VII) MEETS ALL OTHER REQUIREMENTS AS DETERMINED BY THE BOARD.

(b) THE BOARD SHALL ISSUE A PRESCRIPTION CERTIFICATE TO AN APPLICANT WHO THE BOARD DETERMINES HAS MET THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION. A LICENSED PSYCHOLOGIST WITH A PRESCRIPTION CERTIFICATE MAY PRESCRIBE AND ADMINISTER PSYCHOTROPIC MEDICATION TO A PERSON IF THE LICENSED PSYCHOLOGIST:

(I) HOLDS A CURRENT LICENSE IN GOOD STANDING TO PRACTICE PSYCHOLOGY IN THIS STATE;

(II) MAINTAINS THE COMMERCIAL PROFESSIONAL LIABILITY INSURANCE REQUIRED BY SUBSECTION (2)(a)(VI) OF THIS SECTION; AND

(III) COMPLETES AT LEAST FORTY HOURS OF CONTINUING EDUCATION EVERY TWO YEARS IN THE AREAS OF PHARMACOLOGY AND PSYCHOPHARMACOLOGY FOR PRESCRIBING PSYCHOLOGISTS OR A GREATER AMOUNT AS REQUIRED BY THE BOARD.

(3) **Prescription certificate by endorsement.** UPON PAYMENT OF THE REQUIRED LICENSING FEES AND APPROVAL OF THE APPLICATION FOR A PRESCRIPTION CERTIFICATE BY ENDORSEMENT, THE BOARD MAY CERTIFY BY ENDORSEMENT AND GRANT A PRESCRIPTION CERTIFICATE TO AN APPLICANT WHO HAS:

(a) A CURRENT LICENSE IN GOOD STANDING TO PRACTICE PSYCHOLOGY FROM ANOTHER STATE; AND

(b) (I) UNRESTRICTED PRESCRIPTIVE AUTHORITY FROM ANOTHER STATE THAT IMPOSES THE EDUCATION, SUPERVISION, AND TRAINING REQUIREMENTS REQUIRED BY THIS SECTION AND BY RULE OF THE BOARD; OR

(II) TRAINING FROM THE UNITED STATES DEPARTMENT OF DEFENSE PSYCHOPHARMACOLOGY DEMONSTRATION PROJECT FOR LICENSED PSYCHOLOGISTS OR OTHER SIMILAR PROGRAM THAT IMPOSES THE EDUCATION, SUPERVISION, AND TRAINING REQUIREMENTS REQUIRED BY THIS SECTION AND BY RULE OF THE BOARD.

(4) **Rules.** THE BOARD MAY PROMULGATE RULES TO:

(a) IMPLEMENT PROCEDURES FOR OBTAINING A PRESCRIPTION CERTIFICATE AND RENEWALS FOR THE CERTIFICATES; AND

(b) IN ADDITION TO THE GROUNDS FOR DISCIPLINE IN SECTION 12-245-224, ESTABLISH THE GROUNDS FOR DENIAL, SUSPENSION, AND REVOCATION OF A PRESCRIPTION CERTIFICATE, INCLUDING FOR THE SUSPENSION OF A LICENSE TO PRACTICE PSYCHOLOGY UPON THE SUSPENSION OR REVOCATION OF A CERTIFICATE.

(5) **Prescribing and administering practices.** (a) A PRESCRIBING PSYCHOLOGIST MAY:

(I) PRESCRIBE PSYCHOTROPIC MEDICATION THROUGH THE USE OF TELEPSYCHOLOGY; AND

(II) PRESCRIBE AND ADMINISTER PSYCHOTROPIC MEDICATION WITHIN THE RECOGNIZED SCOPE OF PRACTICE, INCLUDING ORDERING AND REVIEWING LABORATORY TESTS IN CONJUNCTION WITH A PRESCRIPTION FOR THE TREATMENT OF A MENTAL HEALTH DISORDER.

(b) WHEN PRESCRIBING A PSYCHOTROPIC MEDICATION FOR A PATIENT, THE PRESCRIBING PSYCHOLOGIST SHALL MAINTAIN AN ONGOING COLLABORATIVE RELATIONSHIP WITH THE PHYSICIAN WHO OVERSEES THE PATIENT'S GENERAL MEDICAL CARE TO ENSURE THAT NECESSARY MEDICAL EXAMINATIONS ARE CONDUCTED, THE PSYCHOTROPIC MEDICATION IS APPROPRIATE FOR THE PATIENT'S MEDICAL CONDITION, AND SIGNIFICANT CHANGES IN THE PATIENT'S MEDICAL OR PSYCHOLOGICAL CONDITIONS ARE DISCUSSED.

(c) (I) A PRESCRIBING PSYCHOLOGIST SHALL OBTAIN A RELEASE OF INFORMATION FROM A PATIENT OR THE PATIENT'S LEGAL GUARDIAN AUTHORIZING THE PSYCHOLOGIST TO CONTACT THE PATIENT'S PRIMARY TREATING PHYSICIAN, AS REQUIRED BY LAW.

(II) IF A PATIENT OR THE PATIENT'S LEGAL GUARDIAN REFUSES TO SIGN A RELEASE OF INFORMATION FOR THE PATIENT'S PRIMARY TREATING PHYSICIAN WHO OVERSEES THE PATIENT, THE PRESCRIBING PSYCHOLOGIST SHALL:

(A) INFORM THE CLIENT OR THE CLIENT'S LEGAL GUARDIAN THAT THE PSYCHOLOGIST CANNOT TREAT THE PATIENT PHARMACOLOGICALLY WITHOUT AN ONGOING COLLABORATIVE RELATIONSHIP WITH THE CLIENT'S PRIMARY TREATING PHYSICIAN; AND

(B) REFER THE PATIENT TO ANOTHER PRESCRIBER WHO IS NOT REQUIRED TO MAINTAIN AN ONGOING COLLABORATIVE RELATIONSHIP WITH A PHYSICIAN.

(III) BEFORE PRESCRIBING OR ADMINISTERING A PSYCHOTROPIC MEDICATION TO A PATIENT, A PRESCRIBING PSYCHOLOGIST SHALL COMMUNICATE TO THE PATIENT'S PRIMARY TREATING PHYSICIAN THE INTENT TO PRESCRIBE OR ADMINISTER THE MEDICATION AND MUST RECEIVE ELECTRONIC WRITTEN AGREEMENT FROM THE PHYSICIAN THAT THE PRESCRIPTION FOR OR ADMINISTERING OF THE MEDICATION IS APPROPRIATE.

(IV) IF A PATIENT DOES NOT HAVE A PRIMARY TREATING HEALTH-CARE PROVIDER WHO IS A LICENSED PHYSICIAN, THE PRESCRIBING PSYCHOLOGIST SHALL REFER THE PATIENT TO A LICENSED PHYSICIAN PRIOR TO PSYCHOPHARMACOLOGICAL TREATMENT. THE PSYCHOLOGIST MUST RECEIVE THE RESULTS OF THE LICENSED PHYSICIAN'S ASSESSMENT AND SHALL CONTACT THE LICENSED PHYSICIAN WHO CONDUCTED THE ASSESSMENT PRIOR TO PRESCRIBING A PSYCHOTROPIC MEDICATION TO THE PATIENT.

(V) ONCE A COLLABORATIVE RELATIONSHIP IS ESTABLISHED WITH THE PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE PATIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION, THE PRESCRIBING PSYCHOLOGIST SHALL MAINTAIN AND DOCUMENT THE COLLABORATIVE RELATIONSHIP TO ENSURE THAT RELEVANT INFORMATION IS EXCHANGED ACCURATELY AND IN A TIMELY MANNER. THE ONGOING COLLABORATIVE RELATIONSHIP MUST BE MAINTAINED ACCORDING TO THE FOLLOWING:

(A) A PRESCRIBING PSYCHOLOGIST SHALL NOTIFY THE PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE CLIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION IF THE PATIENT EXPERIENCES ADVERSE EFFECTS FROM MEDICATIONS PRESCRIBED BY THE PSYCHOLOGIST THAT MAY BE RELATED TO THE PATIENT'S MEDICAL CONDITION FOR WHICH THE PATIENT IS BEING TREATED BY THE PRIMARY TREATING PHYSICIAN;

(B) A PRESCRIBING PSYCHOLOGIST SHALL NOTIFY THE PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE PATIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION REGARDING RESULTS OF LABORATORY TESTS RELATED TO THE MEDICAL CARE OF THE PATIENT THAT HAVE BEEN ORDERED BY THE PSYCHOLOGIST IN CONJUNCTION WITH PSYCHOPHARMACOLOGICAL TREATMENT; AND

(C) A PRESCRIBING PSYCHOLOGIST SHALL NOTIFY A PRIMARY TREATING PHYSICIAN TO WHOM THE PSYCHOLOGIST REFERS THE PATIENT PURSUANT TO SUBSECTION (5)(c)(IV) OF THIS SECTION AS SOON AS POSSIBLE OF ANY CHANGE IN THE PATIENT'S PSYCHOLOGICAL CONDITION THAT MAY AFFECT THE MEDICAL TREATMENT BEING PROVIDED BY THE PHYSICIAN.

(d) IN ACCORDANCE WITH SECTION 12-245-203, A PRESCRIBING

PSYCHOLOGIST SHALL NOT PRESCRIBE MEDICATION TO A PATIENT UNLESS IT IS WITHIN THE PRESCRIBING PSYCHOLOGIST'S SCOPE OF TRAINING, EXPERIENCE, AND COMPETENCE.

(6) **Complaints.** THE COLORADO MEDICAL BOARD SHALL REVIEW COMPLAINTS IN THE NORMAL COURSE OF BUSINESS AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING VIOLATIONS OF THIS SECTION AND DISCIPLINARY ACTION TO BE TAKEN BY THE BOARD, IF APPLICABLE.

(7) **Prescription information.** THE ENTITY THAT DISPENSES A PRESCRIPTION FOR A PSYCHOTROPIC MEDICATION WRITTEN BY A PRESCRIBING PSYCHOLOGIST SHALL COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS.

(8) **Disclosure.** A PRESCRIBING PSYCHOLOGIST SHALL DISCLOSE TO EACH PATIENT TO WHOM THE PSYCHOLOGIST PRESCRIBES A PSYCHOTROPIC MEDICATION THAT THE PSYCHOLOGIST IS NOT A PHYSICIAN LICENSED TO PRACTICE MEDICINE, AND WILL BE SHARING INFORMATION REGARDING THE DELIVERY OF PRESCRIBING SERVICES TO THE PATIENT'S PRIMARY TREATING HEALTH-CARE PROVIDER AS REQUIRED BY LAW. THE DISCLOSURE MUST BE IN WRITING, SIGNED BY THE PATIENT, AND KEPT IN THE PATIENT'S RECORD ON FILE WITH THE PSYCHOLOGIST.

(9) A PRESCRIBING PSYCHOLOGIST SHALL NOT PRESCRIBE ANY DRUG TO A PERSON UNDER EIGHTEEN YEARS OF AGE WITHOUT INFORMED CONSENT FROM THE PARENT OR GUARDIAN OF SUCH PERSON.

(10) **Drug enforcement administration number.** EACH PRESCRIBING PSYCHOLOGIST SHALL FILE WITH THE BOARD, IN THE FORM AND MANNER DETERMINED BY THE BOARD, ALL INDIVIDUAL FEDERAL DRUG ENFORCEMENT ADMINISTRATION REGISTRATIONS AND NUMBERS. THE BOARD AND THE COLORADO MEDICAL BOARD SHALL MAINTAIN CURRENT RECORDS OF EVERY PSYCHOLOGIST WITH PRESCRIPTIVE AUTHORITY, INCLUDING THE PSYCHOLOGIST'S REGISTRATIONS AND NUMBERS.

(11)(a) THE DEPARTMENT SHALL ANNUALLY COLLECT INFORMATION REGARDING:

(I) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS IN THIS STATE;

(II) THE LOCATION OF PRACTICE OF EACH PRESCRIBING PSYCHOLOGIST;

(III) THE NUMBER OF PRESCRIBING PSYCHOLOGISTS WHO ACCEPT CLIENTS WITH PRIVATE HEALTH INSURANCE OR WHO ARE ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO PARTS 4 TO 6 OF TITLE 25.5;

(IV) THE TYPE OF PRACTICE OF EACH PRESCRIBING PSYCHOLOGIST;
AND

(V) THE POPULATIONS SERVED BY EACH PRESCRIBING PSYCHOLOGIST.

(b) THE DEPARTMENT SHALL COMPILE THE INFORMATION AND SHARE IT WITH THE OFFICE IN THE DEPARTMENT THAT IS RESPONSIBLE FOR CONDUCTING SUNSET REVIEWS PURSUANT TO SECTION 24-34-104. THE OFFICE SHALL INCLUDE THE INFORMATION IN EACH SCHEDULED SUNSET REVIEW CONCERNING THE REGULATION OF MENTAL HEALTH PROFESSIONALS PURSUANT TO SECTION 24-34-104.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO