

**NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT



SPONSOR: Sandoval DATE TYPED: 02/11/02 HB HB 170/aHJC/aHFI#1

SHORT TITLE: Prescriptive Authority to Psychologists SB \_\_\_\_\_

ANALYST: Sandoval

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY02	FY03			
NFI	\$4.5	\$9.0	Recurring	Other State Funds

(Parenthesis ( ) Indicate Revenue Decreases)

Duplicates SB 231

### SOURCES OF INFORMATION

LFC files

#### Responses Received

Health Policy Commission (HPC)

New Mexico State Board of Psychologist Examiners (the board)

Department of Health (DOH)

### SUMMARY

#### Synopsis of HFI#1 Amendment

- Clarifies that a psychologist applying to the board for a conditional prescription certificate must have, within the five years immediately preceding the date of application, completed an organized program of pharmacological training from an institution of higher education.
- Clarifies that a psychologist applying to the board for a conditional or prescription certificate must have malpractice insurance sufficient to satisfy the rules adopted by the board and the New Mexico board of Medical Examiners.

#### Synopsis of HJC Amendment

According to the Department of Health, "HB 170a amends HB 170 in the following areas:

- Corrects the omission of physician assistants in the lists of practitioners

- Includes the board of medical examiners in most oversight aspects of this bill
- Removes a statement that the pharmacological is completed through an institution of higher education or from a provider of continuing education
- Requires the training program to be approved by both the boards of psychology and medical examiners, while not changing the content or hours of the training, other than adding the approval of the board of medical examiners
- The supervising physician is required to inform both boards he is supervising the prescribing psychologist and still maintains the individual responsibility for the acts of the psychologist
- Requires a process of independent peer-review approved by the boards of psychology and medical examiners is required prior to receipt of a “prescription certificate”
- Creates a process for the development by the 2 boards of guidelines for the coordination and collaboration of the relationship between the prescribing psychologist and the treating physician
- The two boards will create a committee to review complaints related to the above guidelines
- No later than December 1, 2002 and December 1, 2003, the two boards shall report to the governor and to the legislature on the progress made and any problems encountered in implementing the provisions of this act.”

### Synopsis of Original Bill

House Bill 170 adds prescribing psychologists to the definition of “practitioners” under the New Mexico Drug, Device and Cosmetic Act and Controlled Substance Act.

This bill also allows licensed psychologists to hold a conditional prescription certificate and prescribe psychotropic medication under the supervision of a licensed physician if the psychologist meets certain additional educational, supervision and examination requirements. After practicing successfully under the conditional prescription certificate for 2 years, the licensee can apply for a prescriptive certificate and practice independently. When prescribing psychotropic medication, both the prescribing psychologist and/or the psychologist with a conditional prescriptive certificate shall maintain a collaborative relationship with a health care practitioner who oversees the patient’s general medical care.

### **FISCAL IMPLICATIONS**

The New Mexico State Board of Psychologist Examiners (the board) recommends adding an additional board member who has advanced training in psychopharmacology to the State Board of Psychologists Examiners to assist with the review of the application procedures, rules and regulations. If such a candidate is not added to the board, training for board members and/or the board administrator is advisable. This training would cost \$2.0.

The drafting of rules and regulations, holding public hearings, publishing proposed rules, final adoption of rules and regulations and printing costs will come to approximately \$3.0.

Appointing a subcommittee to work and review applications of prescribing psychologists, and complaints, if any will cost \$2.0.

The board will need to be given additional budget authority of \$7.0 to use fund balances to pay for these additional costs. The board's estimated fund balance for FY03 is \$158.4.

If the bill is successful, the estimated revenue will be approximately \$4.0 annually. This increase in revenue projection is based upon the current application fee of \$0.3 and an estimate of approximately 15 candidates who will qualify under the conditional prescription certificate ( $\$0.3 \times 15 = \$4.5$ ).

### **ADMINISTRATIVE IMPLICATIONS**

None.

### **CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

House Bill 170 duplicates Senate Bill 231.

### **OTHER SUBSTANTIVE ISSUES**

- Psychologists who become licensed to prescribe psychotropic drugs may have to seek licensure with the Board of Pharmacy depending on the scope of their practice or if they open a clinic.
- The New Mexico Health Policy Commission believes this bill may allow hospitals and mental health facilities, particularly in rural areas, more staffing flexibility where recruitment of psychiatrists is difficult and may also bring cost savings to patients.
- There is currently no mechanism for the New Mexico Board of pharmacy to register psychologists to prescribe psychotropic medication and a review of the Board of Pharmacy regulations will be necessary to implement the provisions of this bill.

### **POSSIBLE QUESTIONS**

1. Will psychologists trained in prescribing psychotropic medication increase accessibility to mental health care?
2. Will there be significant cost savings to New Mexico residents?
3. Will the required training be sufficient in scope, content and clinical experience to insure quality of care that is currently provided by other practitioners with prescribing authority?
4. Will there be more options to patients in rural areas or areas where physician shortage exists?

JFS/ar