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HOUSE BILL 463

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO HEALTH; AUTHORIZING PROFESSIONAL PSYCHOLOGISTS TO
PRESCRIBE MEDICATIONS IN CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-9-3 NMSA 1978 (being Laws 1963,
Chapter 92, Section 3, as amended) is amended to read:

"61-9-3. DEFINITIONS. --As used in the Professional
Psychologist Act:

A. "board" means the New Mexico state board of
psychologist examiners;

B. "conditional prescription certificate" means a
document issued by the board to a licensed psychologist that
permits the holder to prescribe psychotropic medication under
the supervision of a licensed physician pursuant to the
Professional Psychologist Act;

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1 C. "person" includes an individual, firm,
2 partnership, association or corporation;

3 D. "prescribing psychologist" means a licensed
4 psychologist who holds a valid prescription certificate;

5 E. "prescription certificate" means a document
6 issued by the board to a licensed psychologist that permits the
7 holder to prescribe psychotropic medication pursuant to the
8 Professional Psychologist Act;

9 F. "psychotropic medication" means a controlled
10 substance or dangerous drug that may not be dispensed or
11 administered without a prescription, and is recognized and
12 customarily used by qualified practitioners for the treatment
13 of mental, emotional, behavioral or cognitive disorders or for
14 the management of side effects of such drugs and [~~whose primary~~
15 ~~indication for use has been approved by the federal food and~~
16 ~~drug administration for the treatment of mental disorders and]~~
17 is listed [~~as a psychotherapeutic agent~~] for such usage in drug
18 facts and comparisons or in the American hospital formulary
19 service;

20 G. "psychologist" means a person who engages in the
21 practice of psychology or holds himself out to the public by
22 any title or description of services representing himself as a
23 psychologist, which incorporates the words "psychological",
24 "psychologist", "psychology", or when a person describes
25 himself as above and, under such title or description, offers

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1 to render or renders services involving the application of
2 principles, methods and procedures of the science and
3 profession of psychology to persons for compensation or other
4 personal gain;

5 H. "practice of psychology" means the observation,
6 description, evaluation, interpretation and modification of
7 human behavior by the application of psychological principles,
8 methods and procedures for the purpose of preventing or
9 eliminating symptomatic, maladaptive or undesired behavior and
10 of enhancing interpersonal relationships, work and life
11 adjustment, personal effectiveness, behavioral health and
12 mental health, and further means the rendering of such
13 psychological services to individuals, families or groups
14 regardless of whether payment is received for services
15 rendered. The practice of psychology includes psychological
16 testing or neuropsychological testing and the evaluation or
17 assessment of personal characteristics such as intelligence,
18 personality, abilities, interests, aptitudes and
19 neuropsychological functioning; counseling, psychoanalysis,
20 psychotherapy, hypnosis, biofeedback, behavior analysis and
21 therapy; diagnosis and treatment of any mental and emotional
22 disorder or disability, alcoholism and substance abuse,
23 disorders of habit or conduct and the psychological aspects of
24 physical illness, accident, injury and disability; and
25 psychoeducational evaluation, therapy, remediation and

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1 consultation; and

2 I. "school" or "college" means a university or
3 other institution of higher education that is regionally
4 accredited and that offers a full-time graduate course of study
5 in psychology as defined by rule of the board or that is
6 approved by the American psychological association. "

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