

1 AN ACT
2 RELATING TO LICENSING; AMENDING THE PROFESSIONAL PSYCHOLOGIST
3 ACT; AMENDING DEFINITIONS; AMENDING THE STRUCTURE OF THE
4 NEW MEXICO STATE BOARD OF PSYCHOLOGIST EXAMINERS; CLARIFYING
5 TERMS; ALLOWING A PRESCRIBING PSYCHOLOGIST TO PRESCRIBE AND
6 ADMINISTER INTRAMUSCULAR AND SUBCUTANEOUS INJECTIONS;
7 CREATING A COMMITTEE TO EVALUATE LICENSING COMPLAINTS AGAINST
8 PRESCRIBING PSYCHOLOGISTS.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

13 "61-9-3. DEFINITIONS.--As used in the Professional
14 Psychologist Act:

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

17 B. "conditional prescription certificate" means a
18 document issued by the board to a licensed psychologist that
19 permits the holder to prescribe psychotropic medication under
20 the supervision of a supervising clinician pursuant to the
21 Professional Psychologist Act;

22 C. "independently licensed prescribing clinician"
23 means a licensed physician, osteopathic physician, nurse
24 practitioner, psychiatric nurse practitioner or clinical
25 nurse specialist;

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

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

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

9 G. "psychotropic medication" means a controlled
10 substance or dangerous drug that may not be dispensed or
11 administered without a prescription but is limited to only
12 those agents related to the diagnosis and treatment or
13 management of mental, nervous, emotional, behavioral,
14 substance use or cognitive disorders, including the
15 management of or protection from side effects that are a
16 direct result from the use of those agents, whose use is
17 consistent with the standards of practice for clinical
18 psychopharmacology;

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

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

4 I. "practice of psychology" means the observation,
5 description, evaluation, interpretation and modification of
6 human behavior by the application of psychological
7 principles, methods and procedures for the purpose of
8 preventing or eliminating symptomatic, maladaptive or
9 undesired behavior and of enhancing interpersonal
10 relationships, work and life adjustment, personal
11 effectiveness, behavioral health and mental health, and
12 further means the rendering of such psychological services to
13 individuals, families or groups regardless of whether payment
14 is received for services rendered. The practice of
15 psychology includes psychological testing or
16 neuropsychological testing and the evaluation or assessment
17 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 a mental and emotional
22 disorder or disability, alcoholism and substance abuse,
23 disorders of habit or conduct and the psychological aspects
24 of physical illness, accident, injury and disability; and
25 psychoeducational evaluation, therapy, remediation and

1 consultation;

2 J. "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
5 study in psychology as defined by rule of the board or that
6 is approved by the American psychological association; and

7 K. "supervising clinician" means a licensed
8 physician, osteopathic physician, prescribing psychologist
9 who has at least four years of independent experience
10 prescribing psychotropic medication to treat behavioral and
11 emotional conditions and mental illness, nurse practitioner,
12 psychiatric nurse practitioner or clinical nurse specialist
13 who is supervising a psychologist in the prescribing of
14 psychotropic medication."

15 SECTION 2. Section 61-9-5 NMSA 1978 (being Laws 1989,
16 Chapter 41, Section 5, as amended) is amended to read:

17 "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND.--

18 A. There is created a "New Mexico state board of
19 psychologist examiners". The board shall be administratively
20 attached to the regulation and licensing department. The
21 board shall consist of eight members appointed by the
22 governor who are residents of New Mexico and who shall serve
23 for three-year staggered terms. The members shall be
24 appointed as follows:

25 (1) four members shall be professional

1 members who are licensed under the Professional Psychologist
2 Act as psychologists, of which two members shall be
3 prescribing psychologists. The governor shall appoint the
4 professional members from a list of names nominated by the
5 New Mexico psychological association, the state psychologist
6 association and the New Mexico school psychologist
7 association;

8 (2) one member shall be licensed under the
9 Professional Psychologist Act as a psychologist or
10 psychologist associate; and

11 (3) three members shall be public members
12 who are laypersons and have no significant financial
13 interest, direct or indirect, in the practice of psychology.

14 B. A member shall hold office until the expiration
15 of the member's appointed term or until a successor is duly
16 appointed. When the term of a member ends, the governor
17 shall appoint a successor for a term of three years. A
18 vacancy occurring in the board membership other than by
19 expiration of term shall be filled by the governor by
20 appointment for the unexpired term of the member. The
21 governor may remove a board member for misconduct,
22 incompetency or neglect of duty.

23 C. All money received by the board shall be
24 credited to the "psychology fund". Money in the psychology
25 fund at the end of the fiscal year shall not revert to the

1 general fund and shall be used in accordance with the
2 provisions of the Professional Psychologist Act. The members
3 of the board may be reimbursed as provided in the Per Diem
4 and Mileage Act, but shall receive no other compensation,
5 perquisite or allowance."

6 SECTION 3. Section 61-9-17.1 NMSA 1978 (being Laws
7 2002, Chapter 100, Section 6, as amended) is amended to read:

8 "61-9-17.1. CONDITIONAL PRESCRIPTION CERTIFICATE--
9 PRESCRIPTION CERTIFICATE--APPLICATION--REQUIREMENTS--
10 RULEMAKING BY BOARD--ISSUANCE, DENIAL, RENEWAL AND REVOCATION
11 OF CERTIFICATION.--

12 A. A psychologist may apply to the board for a
13 conditional prescription certificate. The application shall
14 be made on a form approved by the board and be accompanied by
15 evidence satisfactory to the board that the applicant:

16 (1) has completed a doctoral program in
17 psychology from an accredited institution of higher education
18 or professional school, or, if the program was not accredited
19 at the time of the applicant's graduation, that the program
20 meets professional standards determined acceptable by the
21 board;

22 (2) holds a current license to practice
23 psychology in New Mexico;

24 (3) has successfully completed
25 pharmacological training from an institution of higher

1 education approved by the board and the New Mexico medical
2 board or from a provider of continuing education approved by
3 the board and the New Mexico medical board;

4 (4) has passed a national certification
5 examination approved by the board and the New Mexico medical
6 board that tests the applicant's knowledge of pharmacology in
7 the diagnosis, care and treatment of mental disorders;

8 (5) within the five years immediately
9 preceding the date of application, has successfully completed
10 an organized program of education approved by the board and
11 the New Mexico medical board and consisting of didactic
12 instruction of no less than four hundred fifty classroom
13 hours in at least the following core areas of instruction:

14 (a) neuroscience;
15 (b) pharmacology;
16 (c) psychopharmacology;
17 (d) physiology;
18 (e) pathophysiology;
19 (f) appropriate and relevant physical
20 and laboratory assessment; and

21 (g) clinical pharmacotherapeutics;

22 (6) within the five years immediately
23 preceding the date of application, has been certified by each
24 of the applicant's supervising independently licensed
25 prescribing clinicians as having successfully completed a

1 supervised and relevant clinical experience, approved by the
2 board and the New Mexico medical board, of:

3 (a) no less than an eighty-hour
4 practicum in clinical assessment and pathophysiology under
5 the supervision of an independently licensed prescribing
6 clinician; and

7 (b) an additional supervised practicum
8 of at least four hundred hours treating no fewer than one
9 hundred patients with mental disorders, the practica to have
10 been supervised by any one or a combination of a psychiatrist
11 or other appropriately trained independently licensed
12 prescribing clinician and determined by the board and the
13 New Mexico medical board to be sufficient to competently
14 train the applicant in the treatment of a diverse patient
15 population. One-to-one supervision shall be provided either
16 face-to-face, telephonically or by video conference;

17 (7) has malpractice insurance in place,
18 sufficient to satisfy the rules adopted by the board and the
19 New Mexico medical board, that will cover the applicant
20 during the period the conditional prescription certificate is
21 in effect; and

22 (8) meets all other requirements, as
23 determined by rule of the board, for obtaining a conditional
24 prescription certificate.

25 B. The board shall issue a conditional

1 prescription certificate if it finds that the applicant has
2 met the requirements of Subsection A of this section. The
3 certificate shall be valid for a period of two years, at the
4 end of which the holder may again apply pursuant to the
5 provisions of Subsection A of this section. A psychologist
6 with a conditional prescription certificate may prescribe
7 psychotropic medication under the supervision of a
8 supervising clinician subject to the following conditions:

9 (1) the psychologist shall continue to hold
10 a current license to practice psychology in New Mexico and
11 continue to maintain malpractice insurance;

12 (2) the psychologist shall notify the board
13 of the name of the psychologist's supervising clinician; and

14 (3) a supervising clinician shall notify the
15 supervising clinician's own licensing board of the name of
16 each psychologist under the supervising clinician's
17 supervision.

18 C. A supervising clinician shall not be liable for
19 the acts of a psychologist under the supervising clinician's
20 supervision unless the injury or loss arises from those acts
21 under the direction and control of the supervising clinician.

22 D. A psychologist may apply to the board for a
23 prescription certificate. The application shall be made on a
24 form approved by the board and be accompanied by evidence
25 satisfactory to the board that the applicant:

1 (1) has been issued a conditional
2 prescription certificate and has successfully completed two
3 years of prescribing psychotropic medication as certified by
4 the supervising clinician;

5 (2) has successfully undergone a process of
6 independent peer review approved by the board and the
7 New Mexico medical board;

8 (3) holds a current license to practice
9 psychology in New Mexico;

10 (4) has malpractice insurance in place,
11 sufficient to satisfy the rules adopted by the board, that
12 will cover the applicant as a prescribing psychologist; and

13 (5) meets all other requirements, as
14 determined by rule of the board, for obtaining a prescription
15 certificate.

16 E. The board shall issue a prescription
17 certificate if it finds that the applicant has met the
18 requirements of Subsection D of this section. A psychologist
19 with a prescription certificate may prescribe psychotropic
20 medication pursuant to the provisions of the Professional
21 Psychologist Act if the psychologist:

22 (1) continues to hold a current license to
23 practice psychology in New Mexico and continues to maintain
24 malpractice insurance; and

25 (2) annually satisfies the continuing

1 education requirements for prescribing psychologists, as set
2 by the board, which shall be no fewer than twenty hours each
3 year.

4 F. The board shall promulgate rules providing for
5 the procedures to be followed in obtaining a conditional
6 prescription certificate, a prescription certificate and
7 renewals of a prescription certificate. The board may set
8 reasonable application and renewal fees.

9 G. The board shall promulgate rules establishing
10 the grounds for denial, suspension or revocation of
11 conditional prescription certificates and prescription
12 certificates authorized to be issued pursuant to this
13 section, including a provision for suspension or revocation
14 of a license to practice psychology upon suspension or
15 revocation of a certificate. Actions of denial, suspension
16 or revocation of a certificate shall be in accordance with
17 the Uniform Licensing Act."

18 SECTION 4. Section 61-9-17.2 NMSA 1978 (being Laws
19 2002, Chapter 100, Section 7, as amended) is amended to read:

20 "61-9-17.2. PRESCRIBING PRACTICES.--

21 A. A prescribing psychologist or a psychologist
22 with a conditional prescription certificate may administer
23 and prescribe psychotropic medication within the recognized
24 scope of the profession, including the ordering and review of
25 laboratory tests in conjunction with the prescription, for

1 the treatment of mental disorders.

2 B. When prescribing psychotropic medication for a
3 patient, the prescribing psychologist or the psychologist
4 with a conditional prescription certificate shall maintain an
5 ongoing collaborative relationship with the health care
6 practitioner who oversees the patient's general medical care
7 to ensure that necessary medical examinations are conducted,
8 the psychotropic medication is appropriate for the patient's
9 medical condition and significant changes in the patient's
10 medical or psychological condition are discussed.

11 C. The ongoing collaborative relationship shall be
12 maintained pursuant to guidelines developed by the board and
13 the New Mexico medical board, which shall optimize patient
14 care.

15 D. The guidelines shall ensure that the
16 prescribing psychologist or the psychologist with a
17 conditional prescription certificate and the health care
18 practitioner coordinate, and collaborate on, the care of the
19 patient to provide optimal care. Nothing in this subsection
20 shall require a prescribing psychologist or psychologist with
21 a conditional prescription certificate to give prior notice
22 to or obtain prior approval from a health care practitioner
23 to prescribe psychotropic medication to a patient with whom
24 the prescribing psychologist has established a
25 psychologist-patient relationship; provided that the

1 psychologist provides written notice of the prescription to
2 the health care practitioner within twenty-four hours of its
3 issuance to such patient.

4 E. If a prescribing psychologist or psychologist
5 with a conditional prescription certificate deems it
6 necessary to prescribe drugs for the management of or
7 protection from side effects that are a direct result of
8 psychotropic medication, the prescribing psychologist or
9 psychologist with a conditional prescription certificate
10 shall notify and discuss with the health care practitioner
11 who oversees the patient's general medical care within twenty
12 business days of issuance of the prescription.

13 F. A psychologist with a conditional prescription
14 certificate may prescribe and administer psychotropic
15 medication injections under the supervision of a supervising
16 clinician and upon completion of board-approved training.

17 G. A prescribing psychologist may prescribe and
18 administer psychotropic medication injections upon completion
19 of board-approved training.

20 H. A committee composed of two prescribing
21 psychologist members of the board or their designees and two
22 members of the New Mexico medical board or their designees
23 shall be established and, pursuant to the guidelines, shall
24 evaluate licensing complaints against prescribing
25 psychologists and report its findings and recommendations to

1 each board for appropriate action. The committee shall
2 develop education requirements for expanded practice and
3 present these requirements to each board for approval. The
4 committee shall conduct quarterly reviews of and provide a
5 quarterly report to the respective boards regarding the
6 prescribing psychologist scope of practice expansion that
7 permits prescribing authority to manage or protect from side
8 effects that are a direct result of psychotropic medication.

9 I. A prescription written by a prescribing
10 psychologist or a psychologist with a conditional
11 prescription certificate shall:

12 (1) comply with applicable state and federal
13 laws;

14 (2) be identified as issued by the
15 psychologist as "psychologist certified to prescribe"; and

16 (3) include the psychologist's
17 board-assigned identification number.

18 J. A prescribing psychologist or a psychologist
19 with a conditional prescription certificate shall not
20 delegate prescriptive authority to any other person. Records
21 of all prescriptions shall be maintained in patient records.

22 K. When authorized to prescribe controlled
23 substances, a prescribing psychologist or a psychologist with
24 a conditional prescription certificate shall file with the
25 board in a timely manner all individual federal drug

1 enforcement administration registrations and numbers. The
2 board and the New Mexico medical board shall maintain current
3 records on every psychologist, including federal
4 registrations and numbers.

5 L. The board shall provide to the board of
6 pharmacy and the New Mexico medical board an annual list of
7 prescribing psychologists and psychologists with conditional
8 prescription certificates that contains the information
9 agreed upon among the board, the New Mexico medical board and
10 the board of pharmacy. The board shall promptly notify the
11 board of pharmacy of psychologists who are added to or
12 deleted from the list.

13 M. For the purpose of this section:

14 (1) "collaborative relationship" means a
15 cooperative working relationship between a prescribing
16 psychologist or a psychologist with a conditional
17 prescription certificate and a health care practitioner in
18 the provision of patient care, including diagnosis and
19 cooperation in the management and delivery of physical and
20 mental health care; and

21 (2) "health care practitioner" means a
22 physician, osteopathic physician, nurse practitioner,
23 physician assistant or clinical nurse specialist."

24 SECTION 5. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2024. _____