



Ohio Legislative Service Commission

Bill Analysis

Lisa Musielewicz

S.B. 329

129th General Assembly
(As Introduced)

Sens. Seitz, Burke, Tavares

BILL SUMMARY

Department of Rehabilitation and Correction – psychotropic drug access program

- Authorizes the Director of Rehabilitation and Correction to implement a program to improve prisoners' access to psychotropic drugs, which includes extending limited prescriptive authority to licensed psychologists employed by the Department of Rehabilitation and Correction.
- Authorizes the State Board of Psychology to issue a certificate to prescribe psychotropic drugs to up to six licensed psychologists at any one time who meet certain requirements for purposes of their participation in the psychotropic drug access program.

Department of Rehabilitation and Correction – telecommunication program

- Authorizes the Director of Rehabilitation and Correction to implement a program under which medical and behavioral health care professionals provide case consultation services, treatment services, or both for prisoners through telecommunication methods.

CONTENT AND OPERATION

Overview

The bill authorizes three things relative to health care for prisoners: (1) the Director of Rehabilitation and Correction may implement a program to improve prisoners' access to psychotropic drugs, (2) if the program is established, the State Board of Psychology may issue certificates to prescribe psychotropic drugs to up to six

licensed psychologists participating in the program, and (3) the Director may implement a program for providing medical and behavioral health care services to prisoners through telecommunication methods.

Psychotropic drug access program

The bill authorizes the Director of Rehabilitation and Correction to implement a program to improve the access of prisoners confined in state correctional institutions to psychotropic drugs.¹ "Psychotropic drugs" are not defined by the bill.

If implemented, the program must provide for any of the following, while employed by the Department of Rehabilitation and Correction, to prescribe a psychotropic drug to a prisoner confined in a state correctional institution who has been diagnosed with a condition for which the drug is appropriate:²

(1) A physician authorized by the State Medical Board to practice medicine and surgery or osteopathic medicine and surgery, including a psychiatrist who meets specified criteria.

(2) A physician assistant who holds a certificate to prescribe issued by the State Medical Board and has been granted physician-delegated prescriptive authority by a supervisory physician. (The bill specifies that the program does not authorize a physician assistant to prescribe a psychotropic drug the physician assistant is not authorized to prescribe.)³

(3) A clinical nurse specialist or certified nurse practitioner who holds a certificate to prescribe issued by the Ohio Board of Nursing. (The bill specifies, as above, that the program does not authorize such an advanced practice nurse to prescribe a psychotropic drug the nurse is not authorized to prescribe.)⁴

(4) A psychologist licensed by the State Board of Psychology who holds a certificate to prescribe psychotropic drugs issued by the Board pursuant to the bill (see "**Certificate to prescribe psychotropic drugs**," below).

¹ R.C. 5120.052(B).

² R.C. 5120.052(B).

³ R.C. 5120.052(C)(1).

⁴ R.C. 5120.052(C)(1).

Certificate to prescribe psychotropic drugs

Requirements for issuance

The bill requires the State Board of Psychology, if the Director of Rehabilitation and Correction implements the psychotropic drug access program, to issue a certificate to prescribe psychotropic drugs to a licensed psychologist who meets all of the following requirements:⁵

(1) Has a doctoral degree in psychology;

(2) Has a postdoctoral master's degree in psychopharmacology or other degree of that nature acceptable to the Board.

(3) Has passed the psychopharmacology examination for psychologists given by the College of Professional Psychology of the APA Practice Organization, a companion organization to the American Psychological Association.

(4) Is employed by the Department of Rehabilitation and Correction.

(5) Complies with any requirements established by rules the bill requires the Board to adopt governing the process of issuing a certificate to prescribe psychotropic drugs.

Restriction on number issued

The bill restricts the number of psychologists who may hold certificates to prescribe at any one time to no more than six.⁶

Limit on prescriptive authority

The bill specifies that a certificate to prescribe psychotropic drugs authorizes a licensed psychologist holding the certificate only to prescribe a psychotropic drug (1) as part of the psychotropic drug access program, and (2) to a prisoner who is confined in a state correctional institution and has been diagnosed with a condition for which the psychotropic drug is appropriate.⁷

In contrast to psychologists, the bill specifies that its provisions governing the psychotropic drug access program do not require physicians, physician assistants,

⁵ R.C. 4732.29.

⁶ R.C. 4732.292.

⁷ R.C. 4723.293.

clinical nurse specialists, and certified nurse practitioners to prescribe psychotropic drugs to prisoners confined in state correctional institutions only as part of the program.⁸ These licensed health professionals may continue to prescribe psychotropic drugs to prisoners outside of the program if authorized by other law unchanged by the bill.

Rulemaking

The bill requires the State Board of Psychology to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.) governing the process of issuing a certificate to prescribe psychotropic drugs to a licensed psychologist. The rules must establish or specify all of the following:⁹

(1) Procedures for renewing a certificate at times specified in rules.

(2) Reasons for which the Board may revoke, in accordance with the Administrative Procedure Act, a certificate.

(3) Anything else the Board considers necessary to implement the bill's provisions regarding the authority of psychologists to prescribe psychotropic drugs.

Telecommunication program

The bill authorizes the Director of Rehabilitation and Correction to implement a program under which medical and behavioral health care professionals provide services through telecommunication methods for prisoners confined in state correctional institutions. The services may include case consultation services, treatment services, or both. The provision of services must be consistent with the professionals' scope of practice,¹⁰ and the Director may specify which types of medical and behavioral health care professionals may participate in the telecommunication program.¹¹

The bill prohibits a medical or behavioral health care professional from providing a service for a prisoner as part of the telecommunication program until a physician, physician assistant, clinical nurse specialist, clinical nurse practitioner, or licensed psychologist has met personally with the prisoner at least once.¹²

⁸ R.C. 5120.052(C)(2).

⁹ R.C. 4732.291.

¹⁰ R.C. 5120.053.

¹¹ R.C. 5120.053.

¹² R.C. 5120.053.

The bill specifies that its provisions governing the telecommunication program do not authorize any person located outside of Ohio to engage in the practice of telemedicine without holding a telemedicine certificate issued by the State Medical Board. Under existing law governing the issuance of these certificates, "the practice of telemedicine" is defined as the practice of medicine in Ohio through the use of any communication, including oral, written, or electronic communication, by a physician located outside of Ohio.¹³

Revisions to drug laws

Current law establishes prohibitions against selling, possessing, prescribing, and distributing drugs unless expressly authorized to engage in these activities. The bill includes licensed psychologists who hold certificates to prescribe psychotropic drugs and who prescribe in accordance with the bill's provisions among the professionals authorized to engage in these otherwise prohibited activities.¹⁴

HISTORY

ACTION	DATE
Introduced	04-17-12

S0329-I-129.docx/jc

¹³ R.C. 4731.296.

¹⁴ R.C. 2925.02(B), 2925.03(B)(1), 2925.11(B)(1), 2925.12(B), 2925.14(D), 2925.23(E), 2925.36(B), 3719.06(A)(1) and (4), 3719.81(I)(7), and 4729.51(C)(4).

