

HB4578



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4578

Introduced 2/5/2020, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

225 ILCS 15/4.3

Amends the Clinical Psychologist Licensing Act. In language providing that a written delegation of prescriptive authority by a collaborating physician may only include medications for the treatment of mental health disease or illness the collaborating physician generally provides to his or her patients in the normal course of his or her clinical practice, deletes an exception for patients who are less than 17 years of age or over 65 years of age.

LRB101 17286 SPS 66691 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Clinical Psychologist Licensing Act is
5 amended by changing Section 4.3 as follows:

6 (225 ILCS 15/4.3)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 4.3. Written collaborative agreements.

9 (a) A written collaborative agreement is required for all
10 prescribing psychologists practicing under a prescribing
11 psychologist license issued pursuant to Section 4.2 of this
12 Act.

13 (b) A written delegation of prescriptive authority by a
14 collaborating physician may only include medications for the
15 treatment of mental health disease or illness the collaborating
16 physician generally provides to his or her patients in the
17 normal course of his or her clinical practice with the
18 exception of the following:

19 (1) (blank); ~~patients who are less than 17 years of age~~
20 ~~or over 65 years of age;~~

21 (2) patients during pregnancy;

22 (3) patients with serious medical conditions, such as
23 heart disease, cancer, stroke, or seizures, and with

1 developmental disabilities and intellectual disabilities;
2 and

3 (4) prescriptive authority for benzodiazepine Schedule
4 III controlled substances.

5 (c) The collaborating physician shall file with the
6 Department notice of delegation of prescriptive authority and
7 termination of the delegation, in accordance with rules of the
8 Department. Upon receipt of this notice delegating authority to
9 prescribe any nonnarcotic Schedule III through V controlled
10 substances, the licensed clinical psychologist shall be
11 eligible to register for a mid-level practitioner controlled
12 substance license under Section 303.05 of the Illinois
13 Controlled Substances Act.

14 (d) All of the following shall apply to delegation of
15 prescriptive authority:

16 (1) Any delegation of Schedule III through V controlled
17 substances shall identify the specific controlled
18 substance by brand name or generic name. No controlled
19 substance to be delivered by injection may be delegated. No
20 Schedule II controlled substance shall be delegated.

21 (2) A prescribing psychologist shall not prescribe
22 narcotic drugs, as defined in Section 102 of the Illinois
23 Controlled Substances Act.

24 Any prescribing psychologist who writes a prescription for
25 a controlled substance without having valid and appropriate
26 authority may be fined by the Department not more than \$50 per

1 prescription and the Department may take any other disciplinary
2 action provided for in this Act.

3 All prescriptions written by a prescribing psychologist
4 must contain the name of the prescribing psychologist and his
5 or her signature. The prescribing psychologist shall sign his
6 or her own name.

7 (e) The written collaborative agreement shall describe the
8 working relationship of the prescribing psychologist with the
9 collaborating physician and shall delegate prescriptive
10 authority as provided in this Act. Collaboration does not
11 require an employment relationship between the collaborating
12 physician and prescribing psychologist. Absent an employment
13 relationship, an agreement may not restrict third-party
14 payment sources accepted by the prescribing psychologist. For
15 the purposes of this Section, "collaboration" means the
16 relationship between a prescribing psychologist and a
17 collaborating physician with respect to the delivery of
18 prescribing services in accordance with (1) the prescribing
19 psychologist's training, education, and experience and (2)
20 collaboration and consultation as documented in a jointly
21 developed written collaborative agreement.

22 (f) The agreement shall promote the exercise of
23 professional judgment by the prescribing psychologist
24 corresponding to his or her education and experience.

25 (g) The collaborative agreement shall not be construed to
26 require the personal presence of a physician at the place where

1 services are rendered. Methods of communication shall be
2 available for consultation with the collaborating physician in
3 person or by telecommunications in accordance with established
4 written guidelines as set forth in the written agreement.

5 (h) Collaboration and consultation pursuant to all
6 collaboration agreements shall be adequate if a collaborating
7 physician does each of the following:

8 (1) participates in the joint formulation and joint
9 approval of orders or guidelines with the prescribing
10 psychologist and he or she periodically reviews the
11 prescribing psychologist's orders and the services
12 provided patients under the orders in accordance with
13 accepted standards of medical practice and prescribing
14 psychologist practice;

15 (2) provides collaboration and consultation with the
16 prescribing psychologist in person at least once a month
17 for review of safety and quality clinical care or
18 treatment;

19 (3) is available through telecommunications for
20 consultation on medical problems, complications,
21 emergencies, or patient referral; and

22 (4) reviews medication orders of the prescribing
23 psychologist no less than monthly, including review of
24 laboratory tests and other tests as available.

25 (i) The written collaborative agreement shall contain
26 provisions detailing notice for termination or change of status

1 involving a written collaborative agreement, except when the
2 notice is given for just cause.

3 (j) A copy of the signed written collaborative agreement
4 shall be available to the Department upon request to either the
5 prescribing psychologist or the collaborating physician.

6 (k) Nothing in this Section shall be construed to limit the
7 authority of a prescribing psychologist to perform all duties
8 authorized under this Act.

9 (l) A prescribing psychologist shall inform each
10 collaborating physician of all collaborative agreements he or
11 she has signed and provide a copy of these to any collaborating
12 physician.

13 (m) No collaborating physician shall enter into more than 3
14 collaborative agreements with prescribing psychologists.

15 (Source: P.A. 101-84, eff. 7-19-19.)