

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 568 (Senator Ellis)
 Finance

Health Occupations - Licensed Psychologists - Prescriptive Authority

This bill authorizes a licensed psychologist to become a prescribing psychologist by (1) successfully completing an educational program recognized by the State Board of Examiners of Psychologists and a postdoctoral prescribing psychology fellowship, as specified; (2) passing a specified examination; and (3) submitting a form and evidence of compliance with these requirements. The bill creates a Prescriptive Authority Advisory Committee to advise the board on oversight and implementation of the bill. The board must keep records and adopt regulations, as specified. The bill also establishes requirements for the use of prescriptive authority by a prescribing psychologist and makes conforming changes to (1) the definitions of “practice psychology” and “authorized prescriber” and (2) authorizations to administer medication under the Health Occupations Article.

Fiscal Summary

State Effect: Maryland Department of Health (MDH) general fund expenditures increase by \$21,800 in FY 2027 only for one-time software updates. Board special fund expenditures increase by \$140,000 in FY 2027 for staff; special fund revenues increase as early as FY 2027 to the extent a fee is charged for certification and may offset these expenses. MDH general fund revenues may increase as early as FY 2027 to the extent prescribing psychologists apply for controlled dangerous substance (CDS) registrations.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
GF Revenue	-	-	-	-	-
SF Revenue	-	-	-	-	-
GF Expenditure	\$21,800	\$0	\$0	\$0	\$0
SF Expenditure	\$140,000	\$126,200	\$131,300	\$136,600	\$141,800
Net Effect	(\$161,800)	(\$126,200)	(\$131,300)	(\$136,600)	(\$141,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Prescriptive authority” means the authority to prescribe, administer, modify, discontinue, or distribute without charge starter dosages, drugs, or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders. It includes (1) issuing oral, written, or electronic prescriptions; (2) in conjunction with a prescription, the ordering of laboratory tests, diagnostic examinations, and procedures necessary to obtain the laboratory tests or diagnostic examinations; and (3) other procedures directly related to the scope of practice of psychology as determined in regulations adopted by the board.

“Practice psychology” includes the use of prescriptive authority as authorized. An “authorized prescriber” includes a licensed psychologist with prescriptive authority.

“Prescription” means an order for a drug, laboratory test, or any medicines, devices, or treatments, including controlled substances.

A licensed psychologist must be certified by the board as a prescribing psychologist before using prescriptive authority in the State, unless the licensed psychologist successfully completed the U.S. Department of Defense Psychopharmacology Demonstration Program.

Prescriptive Authority Advisory Committee

The committee consists of licensed psychologists, a licensed physician, and a licensed pharmacist. Each member must be appointed by their respective licensing board. The term of a member is three years, but a member may be reappointed. After notice and hearing, the board may remove a member of the committee for incapacity, incompetence, neglect of duty, or malfeasance in office.

Application and Renewal Process and Requirements

To be certified as a prescribing psychologist, a psychologist must complete an educational program approved by the board that includes basic science; functional neurosciences; physical examination; interpretation of laboratory tests; pathological basis disease; clinical medicine; clinical neurotherapeutics; systems of care; pharmacology; clinical pharmacology; psychopharmacology; psychopharmacology research; professional, ethical, and legal issues; and at least 30 hours of didactic instruction to ensure acquisition of the necessary knowledge and skills to prescribe in a safe and effective manner.

The postdoctoral fellowship completed by the psychologist must include at least 400 hours of psychopharmacological treatment of at least 100 patients of a diverse population under the direction of qualified practitioners.

The board, in consultation with the advisory committee, must (1) establish a joint policy for renewal of the license and certification of a prescribing psychologist that requires at least 20 hours of the continuing education requirements relevant to prescriptive authority and (2) develop and implement procedures for reviewing education and training credentials for compliance with current standards of professional practice.

The board must certify any applicant who meets the requirements as a prescribing psychologist.

Prescriptive Authority

A prescribing psychologist may use prescriptive authority for individuals with whom the psychologist has an established client or patient record. When using prescriptive authority, the psychologist must coordinate with the patient's licensed medical provider and make and document reasonable efforts to encourage the patient to maintain or establish a relationship with a licensed medical provider.

For each prescription issued by a prescribing psychologist, the psychologist must:

- ensure that the prescription (1) complies with State and federal law and (2) is identifiable as being issued by the prescribing psychologist, in a manner determined by the board;
- document the prescription in the patient's record; and
- as applicable, report the prescription to the Prescription Drug Monitoring Program (PDMP).

Before prescribing a controlled substance, the prescribing psychologist must file with the board the psychologist's (1) U.S. Drug Enforcement Agency (DEA) registration number and (2) Maryland State CDS registration number.

A prescribing psychologist may not delegate prescriptive authority to another person. Unless certified as a prescribing psychologist, a licensed psychologist may not (1) use prescriptive authority, or (2) use the words or term "prescribing psychologist" with intent to represent as a prescribing psychologist.

The board may require remediation of any deficiencies in the training or practice pattern of a prescribing psychologist if, in the judgment of the board, the deficiencies could be reasonably expected to jeopardize the health, safety, or welfare of the public.

Records and Regulations

The board must maintain records on each prescribing psychologist that include the psychologist's (1) name; (2) identification number assigned by the board; (3) DEA and Maryland State CDS registration numbers, if applicable; and (4) certificate effective date.

Upon certifying a prescribing psychologist, the board must promptly transmit the listed records to the Maryland Board of Physicians (MBP) and Maryland Board of Pharmacy (MBOP). The Board of Examiners of Psychologists must promptly notify MBP and MBOP if it revokes, suspends, or reinstates the certification or license of a prescribing psychologist.

The board must adopt rules and regulations for denying, modifying, suspending, or revoking the certification or license of a prescribing psychologist.

Current Law: "Practice psychology" means to provide to any person any service for compensation involving the application of psychological principles, psychological methods, or psychological procedures (1) for understanding, predicting, or influencing behavior, including the principles that relate to learning, perception, motivation, emotions, organizational relationships, and interpersonal relationships; (2) for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or (3) for constructing, administering, or interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests, attitudes, personality characteristics, emotions, or motivations.

"Practice psychology" includes (1) the application of psychological principles and psychological methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups; (2) the use of psychological methods to assist an individual in acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and (3) the use of biofeedback instruments that do not pierce or cut the skin to measure physical and mental functioning.

Generally, one must be licensed by the Board of Examiners of Psychologists to practice psychology in the State. To qualify for a license or registration, an applicant must be of good moral character, at least 18 years old, and submit to a criminal history records check. Generally, an applicant must also reside or practice in the State and have a doctoral degree in psychology and specified hours or years of experience.

"Authorized prescriber" means any licensed dentist, licensed dental hygienist with prescriptive authority, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice registered nurse with prescriptive authority, licensed nurse anesthetist, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

Prescription Drug Monitoring Program

Chapter 166 of 2011 established PDMP to assist with the identification and prevention of prescription drug abuse and the identification and investigation of unlawful prescription drug diversion. PDMP must monitor the prescribing and dispensing of CDS schedules II through V and naloxone medication. In general, PDMP data (1) are confidential, privileged, and not subject to discovery, subpoena, or other means of legal compulsion in civil litigation; (2) are not public records; and (3) may not be disclosed to any person, subject to specified exceptions.

State Revenues:

General Funds

The Office of Controlled Substances Administration (OCSA) advises that the fee for CDS registration is \$120 for a three-year period. Thus, MDH general fund revenues increase indeterminately beginning as early as fiscal 2027 to the extent that a prescribing psychologist obtains a CDS registration.

Board of Examiners of Psychologists Special Funds

Under current law, the board must set reasonable fees for the issuance and renewal of licenses and its other services. Thus, the board may set a fee to cover the administrative costs of certifying a licensed psychologist as a prescribing psychologist. The amount of revenue from any fee depends on the number of applicants who seek certification and the amount of the fee set by the board. Any special fund revenues would (at least partially) offset special fund expenditures.

State Expenditures: To recognize the new prescribing psychologist certification in their respective systems, both OCSA and PDMP require one-time software updates, incurring \$1,750 and \$20,000 in general fund expenditures, respectively. Thus, MDH general fund expenditures increase by \$21,750 in fiscal 2027 only, as discussed below. Additionally, to establish a new process for certifying prescribing psychologists, the Board of Examiners of Psychologists advises that it requires additional staff and technology. Thus, MDH special fund expenditures increase by \$140,008 in fiscal 2027, as discussed below.

Office of Controlled Substances Administration

OCSA advises that it would require a one-time software update to the CDS registration application to reflect the new prescribing psychologist credential. Thus, MDH general fund expenditures increase by \$1,750 in fiscal 2027 only to update the registration system.

OCSA staff can otherwise handle any inspections and additional applications using existing budgeted resources, staff, and contracts.

Prescription Drug Monitoring Program

MDH advises that, to accommodate the new prescribing psychologist credential, it must update its registration website using a contract from its health information exchange contractor. This contract would be for a six-month period. Thus, MDH general fund expenditures increase by \$20,000 in fiscal 2027 only for contractual costs.

Board of Examiners of Psychologists

The board advises that certifying licensed psychologists as prescribing psychologists would significantly increase its workload, thereby requiring additional staff. The board also requires new hardware, servers, equipment, and a license tracking system, as well as increased attorney fees. The board advises that, as it is special funded, the additional expenses may require it to increase license fees.

Thus, MDH special fund expenditures increase by \$140,008 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring one administrator to develop and manage the prescriptive authority program, work with the advisory committee, accept and process applications, keep required records, and ensure compliance from prescribing psychologists. It includes a salary, fringe benefits, one-time start-up costs, attorney costs, and ongoing operating expenses.

Positions	1.0
Salary and Fringe Benefits	\$80,867
Ongoing Attorney Fees	15,000
One-time Software and Technology	35,000
Other Operating Expenses	<u>9,141</u>
Total FY 2027 State Expenditures	\$140,008

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

These expenditures may be offset (at least partially) by special fund revenues from fees for certification as a prescribing psychologist to the extent the board imposes such a fee.

The board advises that an additional inspector position is required to implement the bill. The Department of Legislative Services notes that, as the number of prescribing psychologists nationally remains small, it is unlikely that a substantial number of individuals will seek certification in Maryland, at least initially. To the extent that a significant number of psychologists seek certification, board special fund expenditures increase by an additional amount likely in future years.

Small Business Effect: Psychologists may expand their scope of practice by obtaining prescriptive authority.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1021 (Delegate White Holland, *et al.*) - Health.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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