



KATE BROWN
Governor

August 15, 2017

The Honorable Dennis Richardson
Secretary of State
136 State Capitol
900 Court St. NE
Salem, OR 97301

Dear Secretary Richardson,

I am returning Enrolled House Bill 3355 unsigned and disapproved.

Access to appropriate and timely mental health services is a serious issue in Oregon, particularly for children, vulnerable populations, and rural communities. HB 3355 would allow the State Board of Psychologist Examiners to authorize certain psychologists to prescribe mental health drugs. Proponents argue that the bill could improve access and improve care by allowing the diagnosing mental health provider to prescribe mental health drug treatments. While I laud efforts to improve access, I have several concerns with the bill as currently drafted, particularly related to patient safety and ensuring appropriate prescribing, which prevent me from approving it.

First, the bill does not provide sufficient safeguards for vulnerable populations. The bill would allow a prescribing psychologist to prescribe to any patient. The bill does not limit or require specialized education or training in order to prescribe to children, older Oregonians and other vulnerable populations; nor does it include patient safety, outcome data reporting, or monitoring to ensure appropriate prescribing. Additionally, prescribing psychologists would be regulated by a board that does not have experience regulating prescribers and which has different legal authority than other licensing boards to suspend or revoke a license for improper prescribing.

Second, there is insufficient evidence that the bill will improve access or quality of care. Of the two states that presently license prescribing psychologists, there is incomplete evidence and review of patient outcomes to demonstrate that access was improved from the policy. While the bill encourages collaboration between psychologists and medical providers in integrated settings, including patient-centered medical homes, the bill remains vague about how that consultation should occur to ensure safety and evidence-based care for patients.



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Finally, the bill creates unclear lines of legal responsibility. While this bill wisely encourages prescribing psychologists to collaborate with primary care physicians or nurse practitioners, it also immunizes collaborators from responsibility for giving bad advice. As a result, the bill leaves unclear who would be legally responsible for a psychologist's decision to prescribe a drug that injures or kills a patient when that decision was made in reliance on advice from a collaborating physician or nurse practitioner.

To be clear, psychologists are a critical part of the care team and behavioral health system. We must continue efforts to provide team-based, patient-centered care, and better integrate physical and behavioral health care. However, mental health drug therapies can have serious physical health impacts and over or inappropriate prescribing continues to be a concern. It is critical that patient safety safeguards be adequate for new prescribers.

Sincerely,


Governor Kate Brown