

By Representative Cosgrove

1 A bill to be entitled
2 An act relating to psychological services;
3 amending s. 490.003, F.S.; revising the
4 definition of "practice of psychology" to
5 include authority to prescribe and administer
6 psychotropic drugs and to provide requirements
7 with respect thereto; requiring testing
8 laboratories to provide certain test results
9 requested by prescribing psychologists;
10 amending ss. 464.003, 464.012, and 893.02,
11 F.S., relating to the definitions of "practice
12 of practical nursing" and "advanced or
13 specialized nursing practice," to duties of
14 advanced registered nurse practitioners, and to
15 the definition of "practitioner" as it applies
16 to the Florida Comprehensive Drug Abuse
17 Prevention and Control Act, to incorporate
18 reference to such prescribing psychologists
19 therein; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (4) of section 490.003, Florida
24 Statutes, is amended to read:

25 490.003 Definitions.--

26 (4)(a) "Practice of psychology" means the
27 observations, description, evaluation, interpretation, and
28 modification of human behavior, by the use of scientific and
29 applied psychological principles, methods, and procedures, for
30 the purpose of describing, preventing, alleviating, or
31 eliminating symptomatic, maladaptive, or undesired behavior

1 and of enhancing interpersonal behavioral health and mental or
2 psychological health. The ethical practice of psychology
3 includes, but is not limited to, psychological testing and the
4 evaluation or assessment of personal characteristics such as
5 intelligence, personality, abilities, interests, aptitudes,
6 and neuropsychological functioning, including evaluation of
7 mental competency to manage one's affairs and to participate
8 in legal proceedings; counseling, psychoanalysis, all forms of
9 psychotherapy, sex therapy, hypnosis, biofeedback, and
10 behavioral analysis and therapy; psychoeducational evaluation,
11 therapy, remediation, and consultation; and use of
12 psychological methods to diagnose and treat mental, nervous,
13 psychological, marital, or emotional disorders, illness, or
14 disability, alcoholism and substance abuse, and disorders of
15 habit or conduct, as well as the psychological aspects of
16 physical illness, accident, injury, or disability, including
17 neuropsychological evaluation, diagnosis, prognosis, etiology,
18 and treatment.

19 1.(a) Psychological services may be rendered to
20 individuals, couples, families, groups, and the public without
21 regard to place of service.

22 2.(b) The use of specific modalities within the
23 practice of psychology is restricted to psychologists
24 appropriately trained in the use of such modalities.

25 3.(c) The practice of psychology shall be construed
26 within the meaning of this definition without regard to
27 whether payment is requested or received for services
28 rendered.

29 (b) "Practice of psychology" also includes the
30 prescription and administration of psychotropic drugs within
31 the recognized scope of practice of the profession. Such a

1 prescribing psychologist must meet the profession's
2 established standards of training according to the board's
3 professional guidelines or be a nationally recognized Fellow
4 of the Prescribing Psychologists' Register. The board shall
5 include training in, but not limited to, the following
6 professional didactic subject areas and require the following
7 preceptorship-supervision:

8 1. Pharmacology/psychopharmacology, clinical (child,
9 adult, and geriatric):

10 a. Pharmacokinetics and pharmacodynamics, drug
11 interactions, side effects, and substance abuse.

12 b. Serology, laboratory, and maintenance of
13 therapeutic drug levels.

14 2. Related sciences:

15 a. Neuroanatomy, neurophysiology, and neurochemistry.

16 b. Pathophysiology, organ and anatomy systems of
17 functioning and nonfunctioning systems, and
18 metabolism/biotransformation.

19 3. Treatment applications:

20 a. Consultation with other professionals.

21 b. Ethics and professional issues.

22 c. Computer-enhanced record and history
23 accountability.

24 4. Preceptorship-supervision of 1 year minimum with
25 100 patients.

26
27 Testing laboratories licensed by the state shall provide
28 prescribing psychologists, upon request, test results for
29 their patients receiving psychotropic drugs.

30 Section 2. Subsection (3) of section 464.003, Florida
31 Statutes, 1996 Supplement, is amended to read:

1 464.003 Definitions.--As used in this chapter:

2 (3)(a) "Practice of professional nursing" means the
3 performance of those acts requiring substantial specialized
4 knowledge, judgment, and nursing skill based upon applied
5 principles of psychological, biological, physical, and social
6 sciences which shall include, but not be limited to:

7 1. The observation, assessment, nursing diagnosis,
8 planning, intervention, and evaluation of care; health
9 teaching and counseling of the ill, injured, or infirm; and
10 the promotion of wellness, maintenance of health, and
11 prevention of illness of others.

12 2. The administration of medications and treatments as
13 prescribed or authorized by a duly licensed practitioner
14 authorized by the laws of this state to prescribe such
15 medications and treatments.

16 3. The supervision and teaching of other personnel in
17 the theory and performance of any of the above acts.

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19 The professional nurse shall be responsible and accountable
20 for making decisions that are based upon the individual's
21 educational preparation and experience in nursing.

22 (b) "Practice of practical nursing" means the
23 performance of selected acts, including the administration of
24 treatments and medications, in the care of the ill, injured,
25 or infirm and the promotion of wellness, maintenance of
26 health, and prevention of illness of others under the
27 direction of a registered nurse, a licensed physician, a
28 licensed osteopathic physician, a licensed podiatrist, ~~or~~ a
29 licensed dentist, or a licensed prescribing psychologist. The
30 ~~professional nurse and the~~ practical nurse shall be
31 responsible and accountable for making decisions that are

1 based upon the individual's educational preparation and
2 experience in nursing.

3 (c) "Advanced or specialized nursing practice" means,
4 in addition to the practice of professional nursing, the
5 performance of advanced-level nursing acts approved by the
6 board which, by virtue of postbasic specialized education,
7 training, and experience, are proper to be performed by an
8 advanced registered nurse practitioner. Within the context of
9 advanced or specialized nursing practice, the advanced
10 registered nurse practitioner may perform acts of nursing
11 diagnosis and nursing treatment of alterations of the health
12 status. The advanced registered nurse practitioner may also
13 perform acts of medical diagnosis and treatment, prescription,
14 and operation which are identified and approved by a joint
15 committee composed of three members appointed by the Board of
16 Nursing, two of whom shall be advanced registered nurse
17 practitioners; three members appointed by the Board of
18 Medicine, two of whom shall have had work experience with
19 advanced registered nurse practitioners; and the director of
20 the agency or the director's designee. Each committee member
21 appointed by a board shall be appointed to a term of 4 years
22 unless a shorter term is required to establish or maintain
23 staggered terms. The Board of Nursing shall adopt rules
24 authorizing the performance of any such acts approved by the
25 joint committee. Unless otherwise specified by the joint
26 committee, such acts shall be performed under the general
27 supervision of a practitioner licensed under chapter 458,
28 chapter 459, ~~or~~ chapter 466, or chapter 490 within the
29 framework of standing protocols which identify the medical
30 acts or acts of a prescribing psychologist to be performed and
31 the conditions for their performance. The agency may, by rule,

1 require that a copy of the protocol be filed with the agency
2 along with the notice required by s. 458.348.

3 (d) "Nursing diagnosis" means the observation and
4 evaluation of physical or mental conditions, behaviors, signs
5 and symptoms of illness, and reactions to treatment and the
6 determination as to whether such conditions, signs, symptoms,
7 and reactions represent a deviation from normal.

8 (e) "Nursing treatment" means the establishment and
9 implementation of a nursing regimen for the care and comfort
10 of individuals, the prevention of illness, and the education,
11 restoration, and maintenance of health.

12 Section 3. Subsection (3) of section 464.012, Florida
13 Statutes, 1996 Supplement, is amended to read:

14 464.012 Certification of advanced registered nurse
15 practitioners; fees.--

16 (3) An advanced registered nurse practitioner shall
17 perform those functions authorized in this section within the
18 framework of an established protocol. A practitioner currently
19 licensed under chapter 458, chapter 459, ~~or~~ chapter 466, or
20 chapter 490 shall maintain supervision for directing the
21 specific course of medical treatment or treatment prescribed
22 by a prescribing psychologist. Within the established
23 framework, an advanced registered nurse practitioner may:

24 (a) Monitor and alter drug therapies.

25 (b) Initiate appropriate therapies for certain
26 conditions.

27 (c) Perform additional functions as may be determined
28 by rule in accordance with s. 464.003(3)(c).

29 (d) Order diagnostic tests and physical and
30 occupational therapy.

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1 Section 4. Subsection (18) of section 893.02, Florida
2 Statutes, is amended to read:

3 893.02 Definitions.--The following words and phrases
4 as used in this chapter shall have the following meanings,
5 unless the context otherwise requires:

6 (18) "Practitioner" means a physician licensed
7 pursuant to chapter 458, a dentist licensed pursuant to
8 chapter 466, a veterinarian licensed pursuant to chapter 474,
9 an osteopathic physician licensed pursuant to chapter 459, a
10 naturopath licensed pursuant to chapter 462, ~~or~~ a podiatrist
11 licensed pursuant to chapter 461, or a prescribing
12 psychologist licensed pursuant to chapter 490, provided such
13 practitioner holds a valid federal controlled substance
14 registry number.

15 Section 5. This act shall take effect October 1, 1997.

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18 HOUSE SUMMARY

19 Authorizes psychologists to prescribe and administer
20 psychotropic drugs and provides the training and
21 preceptor-supervision requirements therefor. Requires
22 testing laboratories licensed by the state to provide
23 test results requested by prescribing psychologists for
24 patients receiving such drugs. Revises other provisions
25 of law relating to supervision of nurses and regulation
26 of controlled substances to incorporate reference to such
27 prescribing psychologists therein. See bill for details.
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