



HB 1583

2003

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A bill to be entitled

An act relating to the practice of psychology; amending s. 490.003, F.S.; revising a definition; creating s. 490.0146, F.S.; providing requirements for and conditions on the prescription and administration of drugs, including controlled substances, by psychologists; providing definitions; requiring certification; providing requirements for application for and renewal of prescriptive authority; providing prescribing practices; requiring transmission of certain information to the Board of Pharmacy; providing rulemaking authority to establish grounds for discipline and for suspension or revocation of prescriptive authority; amending s. 464.003, F.S.; revising certain definitions; amending s. 464.012, F.S.; including psychological treatment under supervision of a licensed psychologist certified to prescribe drugs among those functions an advanced registered nurse practitioner may perform within the framework of an established protocol; amending s. 458.348, F.S.; revising references, to conform; amending s. 893.02, F.S.; revising a definition; reenacting s. 775.051, F.S., relating to voluntary intoxication as a defense, to incorporate the amendment to s. 893.02, F.S., in a reference thereto; providing an effective date.

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

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

490.003 Definitions.--As used in this chapter:



HB 1583

2003

31 (4) "Practice of psychology" means the observations,
32 description, evaluation, interpretation, and modification of
33 human behavior, by the use of scientific and applied
34 psychological principles, methods, and procedures, for the
35 purpose of describing, preventing, alleviating, or eliminating
36 symptomatic, maladaptive, or undesired behavior and of enhancing
37 interpersonal behavioral health and mental or psychological
38 health. The practice of psychology includes the prescription and
39 administration of drugs, including, but not limited to,
40 controlled substances, when the licensee is certified to
41 prescribe drugs pursuant to s. 490.0146. The ethical practice of
42 psychology includes, but is not limited to, psychological
43 testing and the evaluation or assessment of personal
44 characteristics such as intelligence, personality, abilities,
45 interests, aptitudes, and neuropsychological functioning,
46 including evaluation of mental competency to manage one's
47 affairs and to participate in legal proceedings; counseling,
48 psychoanalysis, all forms of psychotherapy, sex therapy,
49 hypnosis, biofeedback, and behavioral analysis and therapy;
50 psychoeducational evaluation, therapy, remediation, and
51 consultation; and use of psychological methods to diagnose and
52 treat mental, nervous, psychological, marital, or emotional
53 disorders, illness, or disability, alcoholism and substance
54 abuse, and disorders of habit or conduct, as well as the
55 psychological aspects of physical illness, accident, injury, or
56 disability, including neuropsychological evaluation, diagnosis,
57 prognosis, etiology, and treatment.

58 (a) Psychological services may be rendered to individuals,
59 couples, families, groups, and the public without regard to
60 place of service.



HB 1583

2003

61 (b) The use of specific modalities within the practice of
62 psychology is restricted to psychologists appropriately trained
63 in the use of such modalities.

64 (c) The practice of psychology shall be construed within
65 the meaning of this definition without regard to whether payment
66 is requested or received for services rendered.

67 Section 2. Section 490.0146, Florida Statutes, is created
68 to read:

69 490.0146 Prescription of drugs.--

70 (1) DEFINITIONS.--As used in this section:

71 (a) "Prescriptive authority" means the authority to
72 prescribe, administer, and dispense drugs, including controlled
73 substances, and other treatment procedures within the scope of
74 practice of psychology in accordance with rules adopted by the
75 board.

76 (b) "Psychologist certified to prescribe" means a
77 licensed, doctoral-level psychologist who has undergone
78 specialized training, has passed an examination accepted by the
79 board, and has received from the board a certificate granting
80 prescriptive authority, which is current and has not been revoked
81 or suspended.

82 (c) "Prescription" means an order for a drug, a laboratory
83 test, or any medicine, device, or treatment, including, but not
84 limited to, a controlled substance.

85 (2) CERTIFICATION OF PRESCRIPTIVE AUTHORITY.--

86 (a) The board shall certify licensed, doctoral-level
87 psychologists to prescribe, administer, and dispense drugs,
88 including controlled substances, in accordance with applicable
89 state and federal laws.

90 (b) The board shall adopt rules for reviewing educational



HB 1583

2003

91 and training credentials for the certification process in
92 accordance with current standards of professional practice.

93 (c) The board may seek the advice of other state agencies
94 with relevant experience in devising the certification procedures
95 and criteria.

96 (3) APPLICATION FOR INITIAL PRESCRIPTIVE AUTHORITY.--A
97 psychologist may apply to the board for prescriptive authority
98 and shall demonstrate, by official transcript or other official
99 evidence satisfactory to the board, the following:

100 (a) Completion of a doctoral degree in psychology pursuant
101 to s. 490.003(3).

102 (b) Holding a current license to practice psychology in
103 this state.

104 (c) Completion of a program of education in an organized
105 program of intensive didactic instruction, as defined by the
106 board, consisting of the following core areas of instruction:
107 neuroscience, pharmacology, psychopharmacology, physiology,
108 pathophysiology, appropriate and relevant physical and laboratory
109 assessment, and clinical pharmacotherapeutics.

110 (d) Having obtained supervised and relevant clinical
111 experience sufficient to attain competency in the treatment of a
112 patient population under the direction of qualified
113 practitioners, as determined by the board.

114 (e) Passage of a certification examination administered by
115 the board and developed by a nationally recognized body approved
116 by the board.

117 (4) RENEWAL OF PRESCRIPTIVE AUTHORITY.--

118 (a) The board shall establish by rule a method for the
119 renewal of prescriptive authority at the time of or in
120 conjunction with the renewal of licenses.



HB 1583

2003

121 (b) Each applicant for renewal of prescriptive authority
122 shall present evidence satisfactory to the board which
123 demonstrates the completion of 10 hours of continuing education
124 relevant to prescriptive authority during a biennium and which
125 may be part of the biennial continuing education requirement for
126 licensure renewal.

127 (5) PRESCRIBING PRACTICES.--

128 (a) Every prescription issued by a psychologist certified
129 to prescribe shall comply with all applicable state and federal
130 laws.

131 (b) Records of all prescriptions issued by a psychologist
132 certified to prescribe shall be maintained in patient records.

133 (6) SUBSTANCE PRESCRIPTIVE AUTHORITY.--

134 (a) Each psychologist certified to prescribe controlled
135 substances shall file with the board, in a timely manner, all
136 applicable individual Drug Enforcement Administration
137 registrations and numbers.

138 (b) The board shall maintain current records of every
139 psychologist certified to prescribe, including Drug Enforcement
140 Administration registrations and numbers.

141 (7) INTERACTION WITH THE BOARD OF PHARMACY.--

142 (a) The board shall transmit annually to the Board of
143 Pharmacy a list of psychologists certified to prescribe that
144 contains the following information:

145 1. The name of the psychologist.

146 2. The psychologist's identification number assigned by
147 the board.

148 3. The effective date of the psychologist's prescriptive
149 authority.

150 (b) The board shall promptly forward to the Board of



HB 1583

2003

151 Pharmacy the names and titles of psychologists added to or
 152 deleted from the annual list of psychologists certified to
 153 prescribe.

154 (c) The board shall notify the Board of Pharmacy in a
 155 timely manner upon termination, suspension, or reinstatement of a
 156 psychologist's prescriptive authority.

157 (8) DISCIPLINE; SUSPENSION OR REVOCATION OF PRESCRIPTIVE
 158 AUTHORITY.--The board shall establish by rule criteria for
 159 disciplining, or suspending or revoking the prescriptive
 160 authority of, a psychologist certified to prescribe. The board
 161 may require any of the following: education, training,
 162 rehabilitation, fines, reprimand, restriction of practice, or
 163 suspension or revocation of prescriptive authority.

164 Section 3. Paragraphs (b) and (c) of subsection (3) of
 165 section 464.003, Florida Statutes, are amended to read:

166 464.003 Definitions.--As used in this part:

167 (3)

168 (b) "Practice of practical nursing" means the performance
 169 of selected acts, including the administration of treatments and
 170 medications, in the care of the ill, injured, or infirm and the
 171 promotion of wellness, maintenance of health, and prevention of
 172 illness of others under the direction of a registered nurse, a
 173 licensed physician, a licensed osteopathic physician, a licensed
 174 podiatric physician, ~~or~~ a licensed dentist, or a licensed
 175 psychologist certified to prescribe drugs pursuant to s.
 176 490.0146.

177
 178 The professional nurse and the practical nurse shall be
 179 responsible and accountable for making decisions that are based



HB 1583

2003

180 upon the individual's educational preparation and experience in
181 nursing.

182 (c) "Advanced or specialized nursing practice" means, in
183 addition to the practice of professional nursing, the
184 performance of advanced-level nursing acts approved by the board
185 which, by virtue of postbasic specialized education, training,
186 and experience, are proper to be performed by an advanced
187 registered nurse practitioner. Within the context of advanced or
188 specialized nursing practice, the advanced registered nurse
189 practitioner may perform acts of nursing diagnosis and nursing
190 treatment of alterations of the health status. The advanced
191 registered nurse practitioner may also perform acts of medical
192 diagnosis and treatment, prescription, and operation which are
193 identified and approved by a joint committee composed of three
194 members appointed by the Board of Nursing, two of whom shall be
195 advanced registered nurse practitioners; three members appointed
196 by the Board of Medicine, two of whom shall have had work
197 experience with advanced registered nurse practitioners; and the
198 secretary of the department or the secretary's designee. Each
199 committee member appointed by a board shall be appointed to a
200 term of 4 years unless a shorter term is required to establish
201 or maintain staggered terms. The Board of Nursing shall adopt
202 rules authorizing the performance of any such acts approved by
203 the joint committee. Unless otherwise specified by the joint
204 committee, such acts shall be performed under the general
205 supervision of a practitioner licensed under chapter 458,
206 chapter 459, or chapter 466, or a practitioner licensed under
207 chapter 490 who is certified to prescribe drugs pursuant to s.
208 490.0146, within the framework of standing protocols which
209 identify the medical or psychological acts to be performed and



HB 1583

2003

210 the conditions for their performance. The department may, by
 211 rule, require that a copy of the protocol be filed with the
 212 department along with the notice required by s. 458.348.

213 Section 4. Subsection (3) of section 464.012, Florida
 214 Statutes, is amended to read:

215 464.012 Certification of advanced registered nurse
 216 practitioners; fees.--

217 (3) An advanced registered nurse practitioner shall
 218 perform those functions authorized in this section within the
 219 framework of an established protocol. A practitioner currently
 220 licensed under chapter 458, chapter 459, or chapter 466 or a
 221 practitioner currently licensed under chapter 490 who is
 222 certified to prescribe drugs pursuant to s. 490.0146 shall
 223 maintain supervision for directing the specific course of
 224 medical or psychological treatment. Within the established
 225 framework, an advanced registered nurse practitioner may:

- 226 (a) Monitor and alter drug therapies.
- 227 (b) Initiate appropriate therapies for certain conditions.
- 228 (c) Perform additional functions as may be determined by
 229 rule in accordance with s. 464.003(3)(c).
- 230 (d) Order diagnostic tests and physical and occupational
 231 therapy.

232 Section 5. Paragraph (a) of subsection (1) and subsection
 233 (2) of section 458.348, Florida Statutes, are amended to read:

234 458.348 Formal supervisory relationships, standing orders,
 235 and established protocols; notice; standards.--

236 (1) NOTICE.--

237 (a) When a physician enters into a formal supervisory
 238 relationship or standing orders with an emergency medical
 239 technician or paramedic licensed pursuant to s. 401.27, which



HB 1583

2003

240 relationship or orders contemplate the performance of medical
241 acts, or when a physician enters into an established protocol
242 with an advanced registered nurse practitioner, which protocol
243 contemplates the performance of medical or psychological acts
244 identified and approved by the joint committee pursuant to s.
245 464.003(3)(c) or acts set forth in s. 464.012(3) and (4), the
246 physician shall submit notice to the board. The notice shall
247 contain a statement in substantially the following form:

248

249 I, ... (name and professional license number of physician)
250 ..., of ... (address of physician) ... have hereby entered
251 into a formal supervisory relationship, standing orders, or an
252 established protocol with ... (number of persons) ...
253 emergency medical technician(s), ... (number of persons) ...
254 paramedic(s), or ... (number of persons) ... advanced
255 registered nurse practitioner(s).

256

257 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.--The
258 joint committee created by s. 464.003(3)(c) shall determine
259 minimum standards for the content of established protocols
260 pursuant to which an advanced registered nurse practitioner may
261 perform medical or psychological acts identified and approved by
262 the joint committee pursuant to s. 464.003(3)(c) or acts set
263 forth in s. 464.012(3) and (4) and shall determine minimum
264 standards for supervision of such acts by the physician, unless
265 the joint committee determines that any act set forth in s.
266 464.012(3) or (4) is not a medical or psychological act. Such
267 standards shall be based on risk to the patient and acceptable
268 standards of medical or psychological care and shall take into
269 account the special problems of medically underserved areas. The



HB 1583

2003

270 standards developed by the joint committee shall be adopted as
 271 rules by the Board of Nursing and the Board of Medicine for
 272 purposes of carrying out their responsibilities pursuant to part
 273 I of chapter 464 and this chapter, respectively, but neither
 274 board shall have disciplinary powers over the licensees of the
 275 other board.

276 Section 6. Subsection (19) of section 893.02, Florida
 277 Statutes, is amended to read:

278 893.02 Definitions.--The following words and phrases as
 279 used in this chapter shall have the following meanings, unless
 280 the context otherwise requires:

281 (19) "Practitioner" means a physician licensed pursuant to
 282 chapter 458, a dentist licensed pursuant to chapter 466, a
 283 veterinarian licensed pursuant to chapter 474, an osteopathic
 284 physician licensed pursuant to chapter 459, a naturopath
 285 licensed pursuant to chapter 462, ~~or~~ a podiatric physician
 286 licensed pursuant to chapter 461, or a psychologist licensed
 287 pursuant to chapter 490 and certified to prescribe drugs
 288 pursuant to s. 490.0146, provided such practitioner holds a
 289 valid federal controlled substance registry number.

290 Section 7. For purposes of incorporating the amendment to
 291 section 893.02, Florida Statutes, in a reference thereto,
 292 section 775.051, Florida Statutes, is reenacted to read:

293 775.051 Voluntary intoxication; not a defense; evidence
 294 not admissible for certain purposes; exception.--Voluntary
 295 intoxication resulting from the consumption, injection, or other
 296 use of alcohol or other controlled substance as described in
 297 chapter 893 is not a defense to any offense proscribed by law.
 298 Evidence of a defendant's voluntary intoxication is not
 299 admissible to show that the defendant lacked the specific intent



HB 1583

2003

300 to commit an offense and is not admissible to show that the
301 defendant was insane at the time of the offense, except when the
302 consumption, injection, or use of a controlled substance under
303 chapter 893 was pursuant to a lawful prescription issued to the
304 defendant by a practitioner as defined in s. 893.02.

305 Section 8. This act shall take effect July 1, 2003.