

1 A bill to be entitled
2 An act relating to certification for prescriptive
3 authority; creating s. 490.017, F.S.; providing
4 definitions; requiring the Board of Psychology to
5 certify specified psychologists to exercise
6 prescriptive authority; requiring the board to develop
7 and implement certain procedures to review
8 requirements for certification; requiring rulemaking
9 by the board; providing application requirements for
10 certification; requiring the board to establish a
11 method for certification renewal; authorizing the use
12 of prescriptive authority by a prescribing
13 psychologist in accordance with rules adopted by the
14 board; providing certain prescribing practices;
15 requiring prescribing psychologists authorized to
16 prescribe controlled substances to file specified
17 information within a certain time after such
18 authorization; requiring the board to maintain a
19 record of prescribing psychologists authorized to
20 prescribe controlled substances; requiring the board
21 to provide specified information relating to
22 prescribing psychologists to the Board of Pharmacy;
23 requiring the board to notify the Board of Pharmacy of
24 any changes to such list; requiring the board to
25 establish an interim panel by a specified date to

26 provide recommendations for rules governing
 27 prescriptive authority for psychologists; providing
 28 for construction of the panel; requiring the panel to
 29 submit its recommendations by a specified date;
 30 providing for future repeal of panel; providing an
 31 effective date.

32

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

34

35 Section 1. Section 490.017, Florida Statutes, is created
 36 to read:

37 490.017 Certification for prescriptive authority.—

38 (1) DEFINITIONS.—As used in this section, the term:

39 (a) "Clinical experience" means a period of training and
 40 practice in which a person, under the supervision of a
 41 psychologist licensed under this chapter, learns and conducts
 42 diagnoses and interventions.

43 (b) "Controlled substance" has the same meaning as in s.
 44 893.02.

45 (c) "Drug" has the same meaning as in s. 499.003.

46 (d) "Prescribing psychologist" means a psychologist
 47 licensed under this chapter who has received a certificate for
 48 prescriptive authority from the board which has not been
 49 modified, suspended, or revoked.

50 (e) "Prescription" has the same meaning as in s. 465.003.

51 (f) "Prescriptive authority" means the authorization to
52 prescribe, administer, discontinue, or distribute without charge
53 drugs or controlled substances recognized or customarily used in
54 the diagnosis, treatment, or management of an individual with a
55 psychiatric, mental, cognitive, nervous, emotional,
56 developmental, or behavioral disorder. The term includes the
57 authorization to order necessary laboratory tests, diagnostic
58 examinations, and procedures necessary to obtain laboratory
59 tests or diagnostic examinations or other procedures directly
60 related thereto within the scope of the practice of psychology.

61 (2) DUTIES OF THE BOARD.—The board shall:

62 (a) Certify psychologists who meet the requirements listed
63 in subsection (3) to exercise prescriptive authority.

64 (b) Develop and implement procedures to review education
65 and training requirements for certification.

66 (c) Adopt rules to deny, modify, suspend, or revoke
67 prescriptive authority certification. The board may require
68 remediation by a prescribing psychologist of deficiencies in his
69 or her training or practice upon a determination that such
70 deficiencies could reasonably be expected to jeopardize the
71 health, safety, or welfare of the public.

72 (3) APPLICATION REQUIREMENTS.—

73 (a) A psychologist licensed under this chapter who applies
74 for prescriptive authority certification shall provide, through
75 an official transcript or other official document deemed

76 satisfactory by the board, proof of the following:

77 1. A valid and current license.

78 2. Graduation from a doctoral program in psychology.

79 3. A passing score on an examination developed by a
80 nationally recognized body such as the Psychopharmacology
81 Examination for Psychologists offered by the Association of
82 State and Provincial Psychology Boards and approved by the board
83 to establish competency in prescriptive authority.

84 4.a. An organized sequence of study in a program offering
85 intensive didactic education consistent with established
86 policies of the American Psychological Association for education
87 of psychologists in preparation for prescriptive authority. The
88 program shall include coursework in the specific areas of basic
89 sciences, neurosciences, physical examination, interpretation of
90 laboratory tests, pathological basis of disease, clinical
91 medicine, clinical neurotherapeutics, systems of care,
92 pharmacology, clinical pharmacology, psychopharmacology,
93 psychopharmacology research, and professional, ethical, and
94 legal issues. The program must consist of an appropriate number
95 of hours of didactic instruction, as determined by the board, to
96 ensure the knowledge and skills required to prescribe drugs in a
97 safe and effective manner.

98 b. Relevant clinical experience sufficient to attain
99 competency in the psychopharmacological treatment of a diverse
100 patient population consistent with established policies of the

101 American Psychological Association for training of psychologists
102 in preparation for prescriptive authority.

103 c. The educational and training requirements under this
104 subparagraph may be met as part of a doctoral program in
105 psychology or postdoctoral training or fellowship in psychology.

106 (b) A psychologist is exempt from the educational and
107 training requirements under paragraph (a) if he or she:

108 1. Is a physician licensed under chapter 458 or chapter
109 459, nurse practitioner licensed under chapter 464, or other
110 health care practitioner licensed under chapter 458, chapter
111 459, or chapter 464 who holds comparable prescriptive authority.

112 2. Has completed the United States Department of Defense
113 Psychopharmacology Demonstration Project.

114 (4) CERTIFICATION RENEWAL.—

115 (a) The board shall establish by rule a method for the
116 renewal of prescriptive authority certification, which shall
117 occur in conjunction with licensure renewal pursuant to s.
118 490.007.

119 (b) Each applicant for renewal shall present satisfactory
120 evidence to the board demonstrating the completion of 20 hours
121 of continuing education instruction relevant to prescriptive
122 authority during the previous 2-year licensure period.

123 (5) PRESCRIPTIVE AUTHORITY.—

124 (a) A prescribing psychologist may use his or her
125 prescriptive authority certification in accordance with rules

126 | adopted by the board.

127 | (b) A prescribing psychologist shall:

128 | 1. Maintain a record of all prescribed drugs for each
 129 | patient.

130 | 2. Comply with all rules adopted pursuant to this section.

131 | 3. Consult and collaborate with a patient's primary care
 132 | physician and concur with such physician before prescribing a
 133 | drug, altering a drug treatment plan, or terminating a drug.

134 | (c) A prescribing psychologist may not:

135 | 1. Issue a prescription without a valid and current
 136 | prescriptive authority certification.

137 | 2. Delegate prescriptive authority to another person.

138 | 3. Prescribe drugs to a patient who does not have a
 139 | primary care physician.

140 | (d) A prescription issued by a prescribing psychologist
 141 | must:

142 | 1. Be written in a manner determined by the board to be
 143 | sufficient.

144 | 2. Comply with all applicable state and federal laws.

145 | (6) CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY.—

146 | (a) When authorized to prescribe controlled substances, a
 147 | prescribing psychologist shall file with the board, within 10
 148 | days after such authorization, his or her federal Drug
 149 | Enforcement Administration registration number.

150 | (b) The board shall maintain a current record of every

151 prescribing psychologist authorized to prescribe controlled
152 substances.

153 (7) NOTIFICATION TO THE BOARD OF PHARMACY.—

154 (a) The board shall submit to the Board of Pharmacy an
155 initial list of prescribing psychologists containing:

156 1. The psychologist's name.

157 2. The psychologist's certification number.

158 3. The effective date of the psychologist's prescriptive
159 authority certification.

160 (b) The board shall promptly notify the Board of Pharmacy
161 of any changes to the list, including changes relating to
162 certification, revocation, suspension, modification, denial, or
163 reinstatement of a psychologist's prescriptive authority.

164 (8) INTERIM PANEL.—The board shall establish an interim
165 panel by October 1, 2019, to provide recommendations for
166 proposed rules governing prescriptive authority for
167 psychologists. The interim panel shall be comprised of a
168 psychiatrist licensed under chapter 458 or chapter 459 selected
169 by the Board of Medicine, a physician licensed under chapter 458
170 who is a board-certified pediatrician selected by the Board of
171 Medicine, a pharmacist licensed under chapter 465 who holds a
172 doctoral degree in pharmacy selected by the Board of Pharmacy,
173 and two psychologists licensed under chapter 490 who currently
174 serve on the board or hold postdoctoral master's degrees in
175 clinical psychopharmacology selected by the board. The panel

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176 | shall submit its recommendations for proposed rules to the board
177 | by May 1, 2020. This subsection expires May 1, 2020.

178 | Section 2. This act shall take effect October 1, 2019.