

By Senator Brandes

24-00564-20

2020448__

1 A bill to be entitled
2 An act relating to prescriptive authority
3 certification for psychologists; creating s. 490.017,
4 F.S.; defining terms; requiring the Board of
5 Psychology to certify specified psychologists to
6 exercise prescriptive authority; requiring the board
7 to adopt rules relating to prescriptive authority
8 certification; authorizing the board to require that a
9 prescribing psychologist correct certain deficiencies
10 under certain circumstances; specifying application
11 requirements for certification; requiring the board to
12 adopt a rule providing for certification renewal;
13 requiring each applicant for renewal to demonstrate
14 the completion of specified continuing education;
15 specifying requirements for the prescribing of drugs
16 and controlled substances by a prescribing
17 psychologist; prohibiting specified prescribing
18 actions; requiring a prescribing psychologist who is
19 authorized to prescribe controlled substances to file
20 his or her federal Drug Enforcement Administration
21 registration number with the board within a certain
22 timeframe; requiring the board to maintain a record of
23 every prescribing psychologist authorized to prescribe
24 controlled substances; requiring the Board of
25 Psychology to transmit specified information to the
26 Board of Pharmacy; requiring the Board of Psychology
27 to establish an interim panel before a specified date;
28 providing panel membership; requiring the panel to
29 submit recommendations to the board by a specified

24-00564-20

2020448__

30 date; providing an effective date.

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

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

36 490.017 Certification for prescriptive authority.—

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

38 (a) "Clinical experience" means a period of supervised
39 training and practice in which diagnoses and interventions are
40 learned, conducted, and supervised by a psychologist.

41 (b) "Controlled substance" has the same meaning as in s.
42 893.02.

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

44 (d) "Prescribing psychologist" means a psychologist who has
45 received from the board a certificate for prescriptive authority
46 which has not been revoked or suspended.

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

48 (f) "Prescriptive authority" means the authorization to
49 prescribe, administer, discontinue, or distribute drugs or
50 controlled substances recognized or customarily used in the
51 diagnosis, treatment, or management of an individual who has a
52 psychiatric, mental, cognitive, nervous, emotional,
53 developmental, or behavioral disorder within the scope of the
54 practice of psychology.

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

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

58 (b) Develop and implement procedures to review education

24-00564-20

2020448__

59 and training requirements for certification.

60 (c) Adopt rules to deny, modify, suspend, or revoke
61 prescriptive authority certification. The board may require
62 remediation by a prescribing psychologist to correct
63 deficiencies in his or her training or practice upon the board's
64 determination that such deficiencies could reasonably be
65 expected to jeopardize the health, safety, or welfare of the
66 public.

67 (3) CERTIFICATION REQUIREMENTS.-

68 (a) A psychologist who applies for prescriptive authority
69 certification shall demonstrate by an official transcript or
70 other official evidence deemed satisfactory by the board:

71 1. A current license as a psychologist.

72 2. Graduation from a doctoral program in psychology.

73 3. A passing score on an examination developed by a
74 nationally recognized body, such as the Psychopharmacology
75 Examination for Psychologists offered by the Association of
76 State and Provincial Psychology Boards, and approved by the
77 board to establish competency in prescriptive authority.

78 4.a. Consistent with the American Psychological
79 Association's established policies for education of
80 psychologists in preparation for prescriptive authority, the
81 successful completion of an organized sequence of study in a
82 program offering intensive didactic education which includes
83 core areas of instruction in basic sciences, neurosciences,
84 physical examination, interpretation of laboratory tests,
85 pathological basis of disease, clinical medicine, clinical
86 neurotherapeutics, systems of care, pharmacology, clinical
87 pharmacology, psychopharmacology, psychopharmacology research,

24-00564-20

2020448__

88 and professional, ethical, and legal issues. The program must
89 consist of an appropriate number of hours of didactic
90 instruction, as determined by the board, to ensure the applicant
91 has the knowledge and skills required to prescribe drugs in a
92 safe and effective manner.

93 b. Consistent with the American Psychological Association's
94 established policies for the training of psychologists in
95 preparation for prescriptive authority, relevant clinical
96 experience sufficient for the applicant to attain competency in
97 the psychopharmacological treatment of a diverse patient
98 population.

99
100 The educational and training requirements under this
101 subparagraph may be met as part of a doctoral program in
102 psychology or postdoctoral training or fellowship in psychology.

103 (b) A psychologist is exempt from the educational
104 requirements established under paragraph (a) if he or she:

105 1. Is a physician licensed under chapter 458 or chapter
106 459, a nurse practitioner licensed under chapter 464, or another
107 health care practitioner licensed under chapter 458, chapter
108 459, or chapter 464 who has comparable prescriptive authority.

109 2. Has completed the United States Department of Defense
110 Psychopharmacology Demonstration Project.

111 (4) CERTIFICATION RENEWAL.—

112 (a) The board shall establish by rule a method for the
113 renewal of prescriptive authority certification, to occur in
114 conjunction with licensure renewal pursuant to s. 490.007.

115 (b) Each applicant for renewal shall present satisfactory
116 evidence to the board demonstrating the completion of 20 hours

24-00564-20

2020448__

117 of continuing education relevant to prescriptive authority
118 during the previous 2-year licensure period.

119 (5) PRESCRIPTION PRACTICES.—

120 (a) A prescribing psychologist may use his or her
121 prescriptive authority certification in accordance with rules
122 adopted by the board.

123 (b) A prescribing psychologist shall:

124 1. Maintain a record of all of a patient's prescriptions.

125 2. Consult and collaborate with a patient's primary care
126 physician and concur with such physician before prescribing a
127 drug, altering a drug treatment plan, or discontinuing a drug.

128 (c) A prescribing psychologist may not:

129 1. Issue a prescription unless the psychologist holds a
130 valid and current prescriptive authority certification that has
131 not been revoked or suspended.

132 2. Delegate the authority to prescribe drugs to another
133 person.

134 3. Issue a prescription to a patient who does not have a
135 primary care physician.

136 (d) A prescription issued by a prescribing psychologist
137 must:

138 1. Be written in a manner as determined by the board.

139 2. Comply with all applicable state and federal laws.

140 (6) CONTROLLED SUBSTANCE PRESCRIPTION AUTHORITY.—

141 (a) When authorized to prescribe controlled substances, a
142 prescribing psychologist shall file with the board, within 10
143 days after such authorization, his or her federal Drug
144 Enforcement Administration registration number.

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

24-00564-20

2020448__

146 prescribing psychologist authorized to prescribe controlled
147 substances.

148 (7) INTERACTION WITH THE BOARD OF PHARMACY.—

149 (a) The board shall transmit to the Board of Pharmacy an
150 initial list of prescribing psychologists which contains the
151 following information:

152 1. The psychologist's name.

153 2. The psychologist's certification number.

154 3. The effective date of the psychologist's prescriptive
155 authority.

156 (b) The board shall promptly forward to the Board of
157 Pharmacy any changes to the list, including changes relating to
158 certification, revocation, suspension, or reinstatement of a
159 psychologist's prescriptive authority.

160 (8) INTERIM PANEL.—The board shall establish an interim
161 panel by October 1, 2020, to provide recommendations for
162 proposed rules governing prescriptive authority for
163 psychologists. The interim panel shall consist of a psychiatrist
164 licensed under chapter 458 or chapter 459 and a pediatrician
165 selected by the Board of Medicine, a pharmacist who holds a
166 doctoral degree selected by the Board of Pharmacy, and two
167 psychologists who hold postdoctoral master's degrees in clinical
168 psychopharmacology selected by the Board of Psychology. The
169 panel shall submit its recommendations for proposed rules to the
170 board by February 1, 2021.

171 Section 2. This act shall take effect July 1, 2020.