

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

26 Psychology to transmit specified information to the
 27 Board of Pharmacy; requiring the Board of Psychology
 28 to establish an interim panel by a specified date;
 29 providing panel membership; requiring the panel to
 30 submit recommendations to the board by a specified
 31 date; providing an effective date.

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

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 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 supervised
 40 training and practice in which an individual learns and conducts
 41 diagnoses and interventions under the supervision of a
 42 psychologist.

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 who
 47 has received from the board a certificate for prescriptive
 48 authority which has not been revoked or suspended.

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

50 (f) "Prescriptive authority" means the authorization to

51 prescribe, administer, discontinue, or distribute drugs or
52 controlled substances recognized or customarily used in the
53 diagnosis, treatment, or management of an individual who has a
54 psychiatric, mental, cognitive, nervous, emotional,
55 developmental, or behavioral disorder within the scope of the
56 practice of psychology.

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

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

60 (b) Develop and implement procedures to review education
61 and training requirements for certification.

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

69 (3) CERTIFICATION REQUIREMENTS.—

70 (a) A psychologist who applies for prescriptive authority
71 certification must demonstrate all of the following by an
72 official transcript or other official evidence deemed
73 satisfactory by the board:

74 1. A current license as a psychologist.

75 2. Graduation from a doctoral program in psychology.

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

81 4.a. Consistent with the American Psychological
82 Association's established policies for education of
83 psychologists in preparation for prescriptive authority, the
84 successful completion of an organized sequence of study in a
85 program offering intensive didactic education which includes
86 core areas of instruction in basic sciences, neurosciences,
87 physical examination, interpretation of laboratory tests,
88 pathological bases of disease, clinical medicine, clinical
89 neurotherapeutics, systems of care, pharmacology, clinical
90 pharmacology, psychopharmacology, psychopharmacology research,
91 and professional, ethical, and legal issues. The program must
92 consist of an appropriate number of hours of didactic
93 instruction, as determined by the board, to ensure the applicant
94 has the knowledge and skills required to prescribe drugs in a
95 safe and effective manner.

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

101 diverse patient population.

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

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

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

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

113 (4) CERTIFICATION RENEWAL.—

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

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

121 (5) PRESCRIPTION PRACTICES.—

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

125 (b) A prescribing psychologist shall:

- 126 1. Maintain a record of all of a patient's prescriptions.
 127 2. Consult and collaborate with a patient's primary care
 128 physician and concur with that physician before prescribing a
 129 drug, altering a drug treatment plan, or discontinuing a drug.

130 (c) A prescribing psychologist may not:

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

134 2. Delegate the authority to prescribe drugs to another
 135 person.

136 3. Issue a prescription to a patient who does not have a
 137 primary care physician.

138 (d) A prescription issued by a prescribing psychologist
 139 must:

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

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

142 (6) CONTROLLED SUBSTANCE PRESCRIPTION AUTHORITY.—

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

147 (b) The board shall maintain a current record of every
 148 prescribing psychologist authorized to prescribe controlled
 149 substances.

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

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

- 154 1. The psychologist's name.
155 2. The psychologist's certification number.
156 3. The effective date of the psychologist's prescriptive
157 authority.

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

162 (8) INTERIM PANEL.—The board shall establish an interim
163 panel by October 1, 2022, to provide recommendations for
164 proposed rules governing prescriptive authority for
165 psychologists. The interim panel shall consist of a psychiatrist
166 licensed under chapter 458 or chapter 459 and a pediatrician,
167 both selected by the Board of Medicine; a pharmacist who holds a
168 doctoral degree, selected by the Board of Pharmacy; and two
169 psychologists who hold postdoctoral master's degrees in clinical
170 psychopharmacology, selected by the Board of Psychology. The
171 panel shall submit its recommendations for proposed rules to the
172 board by February 1, 2023.

173 Section 2. This act shall take effect July 1, 2022.