

By Senator Brandes

24-00455-22

2022540__

1 A bill to be entitled
2 An act relating to certification for prescriptive
3 authority; creating s. 490.017, F.S.; defining terms;
4 requiring the Board of Psychology to certify certain
5 psychologists to exercise prescriptive authority;
6 requiring the board to develop and implement specified
7 procedures to review requirements for certification;
8 requiring the board to adopt rules; specifying
9 application requirements for certification; requiring
10 the board to establish a method for certification
11 renewal; authorizing certified psychologists to use
12 their prescriptive authority in accordance with rules
13 adopted by the board; specifying requirements and
14 prohibitions for prescribing psychologists; requiring
15 prescribing psychologists who are authorized to
16 prescribe controlled substances to file specified
17 information with the board within a specified
18 timeframe; requiring the board to maintain a record of
19 such information; requiring the board to submit a list
20 of prescribing psychologists, including specified
21 information, to the Board of Pharmacy; requiring the
22 board to notify the Board of Pharmacy of any changes
23 to the list; requiring the board to establish an
24 interim panel by a specified date to provide
25 recommendations for rules governing prescriptive
26 authority for psychologists; providing for membership
27 of the panel; requiring the panel to submit its
28 recommendations to the board by a specified date;
29 providing for future expiration of the panel;

24-00455-22

2022540__

30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
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 training and
39 practice in which a person, under the supervision of a
40 psychologist licensed under this chapter, learns and conducts
41 diagnoses and interventions.

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

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

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

49 (e) "Prescription" has the same meaning as in s.
50 465.003(14).

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

24-00455-22

2022540__

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 do all of the
62 following:

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

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

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

73 (3) APPLICATION REQUIREMENTS.—

74 (a) A psychologist licensed under this chapter who applies
75 for prescriptive authority certification must provide, through
76 an official transcript or other official document deemed
77 satisfactory by the board, proof of all of the following:

78 1. A valid and current license to practice psychology.

79 2. Graduation from a doctoral program in psychology.

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

85 4.a. An organized sequence of study in a program offering
86 intensive didactic education consistent with established
87 policies of the American Psychological Association for education

24-00455-22

2022540__

88 of psychologists in preparation for prescriptive authority. The
89 program must include coursework in the specific areas of basic
90 sciences, neurosciences, physical examination, interpretation of
91 laboratory tests, pathological basis of disease, clinical
92 medicine, clinical neurotherapeutics, systems of care,
93 pharmacology, clinical pharmacology, psychopharmacology,
94 psychopharmacology research, and professional, ethical, and
95 legal issues. The program must consist of an appropriate number
96 of hours of didactic instruction, as determined by the board, to
97 ensure the knowledge and skills required to prescribe drugs in a
98 safe and effective manner.

99 b. Relevant clinical experience sufficient to attain
100 competency in the psychopharmacological treatment of a diverse
101 patient population consistent with established policies of the
102 American Psychological Association for training of psychologists
103 in preparation for prescriptive authority.

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

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

109 1. Is a physician licensed under chapter 458 or chapter
110 459, a nurse practitioner licensed under chapter 464, or another
111 health care practitioner licensed under chapter 458, chapter
112 459, or chapter 464 who holds comparable prescriptive authority.

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

115 (4) CERTIFICATION RENEWAL.—

116 (a) The board shall establish by rule a method for the

24-00455-22

2022540__

117 renewal of prescriptive authority certification, which must
118 occur in conjunction with licensure renewal pursuant to s.
119 490.007.

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

124 (5) PRESCRIPTIVE AUTHORITY.—

125 (a) A prescribing psychologist may use his or her
126 prescriptive authority certification in accordance with rules
127 adopted by the board.

128 (b) A prescribing psychologist shall:

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

131 2. Comply with all rules adopted pursuant to this section.

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

135 (c) A prescribing psychologist may not:

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

138 2. Delegate prescriptive authority to another person.

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

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

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

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

24-00455-22

2022540__

146 (6) CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY.—

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

151 (b) The board shall maintain a current record of every
152 prescribing psychologist authorized to prescribe controlled
153 substances.

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

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

- 158 1. The psychologist's name.
159 2. The psychologist's certification number.
160 3. The effective date of the psychologist's prescriptive
161 authority certification.

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

166 (8) INTERIM PANEL.—The board shall establish an interim
167 panel by October 1, 2022, to provide recommendations for
168 proposed rules governing prescriptive authority for
169 psychologists.

170 (a) The interim panel shall be composed of all of the
171 following:

- 172 1. One psychiatrist licensed under chapter 458 or chapter
173 459, selected by the Board of Medicine.
174 2. One physician licensed under chapter 458 who is a board-

24-00455-22

2022540__

175 certified pediatrician, selected by the Board of Medicine.

176 3. One pharmacist licensed under chapter 465 who holds a
177 doctor of pharmacy degree, selected by the Board of Pharmacy.

178 4. Two psychologists licensed under chapter 490 who
179 currently serve on the board or hold postdoctoral master's
180 degrees in clinical psychopharmacology, to be selected by the
181 board.

182 (b) The panel shall submit its recommendations for proposed
183 rules to the board by May 1, 2023.

184 (c) This subsection expires May 1, 2023.

185 Section 2. This act shall take effect October 1, 2022.