

By Senator Simon

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1                                   A bill to be entitled  
2       An act relating to prescriptive authority for  
3       psychologists; creating s. 490.0065, F.S.; defining  
4       terms; requiring the Board of Psychology to certify  
5       psychologists to exercise prescriptive authority if  
6       they meet specified criteria; requiring the board to  
7       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 certification application  
12      requirements; requiring the board to adopt rules  
13      providing for certification renewal; specifying  
14      continuing education requirements for certificate  
15      renewal; specifying requirements for the prescribing  
16      of drugs 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 specified  
22      timeframe; requiring the board to maintain a current  
23      record of every prescribing psychologist authorized to  
24      prescribe controlled substances; requiring a  
25      prescribing psychologist to maintain professional  
26      liability insurance; exempting specified licensees  
27      from certain certification requirements; requiring the  
28      Board of Psychology to establish an interim panel for  
29      a specified purpose by a specified date; providing

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30 panel membership; requiring the panel to submit  
31 recommendations for rules to the board by a specified  
32 date; requiring the panel to develop a formulary for  
33 prescribing psychologists; providing requirements for  
34 the formulary; providing for the dissolution of the  
35 panel; amending s. 627.6131, F.S.; revising provisions  
36 related to health care insurance claims to provide for  
37 prescribing psychologists; providing applicability;  
38 providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Section 490.0065, Florida Statutes, is created  
43 to read:

44 490.0065 Certification for prescriptive authority.-

45 (1) DEFINITIONS.-As used in this section, the term:

46 (a) "Clinical experience" means a period of supervised  
47 training and practice during which an individual learns and  
48 conducts diagnoses and interventions under the supervision of a  
49 psychologist.

50 (b) "Controlled substance" has the same meaning as in s.  
51 893.02.

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

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

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

57 (f) "Prescriptive authority" means having the authorization  
58 to prescribe, administer, discontinue, or distribute drugs or

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59 controlled substances recognized or customarily used in the  
60 diagnosis, treatment, or management of an individual who has a  
61 psychiatric, mental, cognitive, nervous, emotional,  
62 developmental, or behavioral disorder within the scope of the  
63 practice of psychology.

64 (2) DUTIES OF THE BOARD.—The board shall do all of the  
65 following:

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

68 (b) Develop and implement procedures to review education  
69 and training requirements for certification.

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

77 (3) CERTIFICATION REQUIREMENTS.—

78 (a) A psychologist who applies for prescriptive authority  
79 certification must demonstrate all of the following by an  
80 official transcript or other official evidence deemed  
81 satisfactory by the board:

82 1. A current license as a psychologist.

83 2. Graduation from a doctoral program in psychology.

84 3. A passing score on an examination developed by a  
85 nationally recognized body, such as the Psychopharmacology  
86 Examination for Psychologists offered by the Association of  
87 State and Provincial Psychology Boards, and approved by the

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88 board to establish competency in prescriptive authority.

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

104 b. Consistent with the American Psychological Association's  
105 established policies for the training of psychologists in  
106 preparation for prescriptive authority, relevant clinical  
107 experience sufficient for the applicant to attain competency in  
108 the psychopharmacological treatment of a diverse patient  
109 population or at least 2 years practicing under the supervision  
110 of a licensed physician whose practice involves the  
111 pharmacological treatment of mental, nervous, emotional,  
112 behavioral, substance abuse, or cognitive diseases.

113  
114 The educational and training requirements under this  
115 subparagraph may be met as part of a doctoral program,  
116 postdoctoral training, or a fellowship in psychology.

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117 (b) A psychologist is exempt from the educational  
118 requirements established under paragraph (a) if he or she has  
119 completed the United States Department of Defense  
120 Psychopharmacology Demonstration Project.

121 (4) CERTIFICATION RENEWAL.—

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

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

129 (5) PRESCRIPTION PRACTICES.—

130 (a) A prescribing psychologist may use his or her  
131 prescriptive authority certification in accordance with rules  
132 adopted by the board.

133 (b) A prescribing psychologist shall:

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

135 2. Consult and collaborate with a patient's primary care  
136 physician and concur with that physician before prescribing a  
137 drug, altering a drug treatment plan, or discontinuing a drug.

138 (c) A prescribing psychologist may not:

139 1. Issue a prescription unless the psychologist holds a  
140 valid and current prescriptive authority certification that has  
141 not been revoked or suspended.

142 2. Delegate the authority to prescribe drugs to another  
143 person.

144 3. Issue a prescription to a patient who does not have a  
145 primary care physician.

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146 (d) A prescription issued by a prescribing psychologist  
147 must do all of the following:

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

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

150 (6) CONTROLLED SUBSTANCE PRESCRIPTION AUTHORITY.—

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

155 (b) The board shall maintain a current record of every  
156 prescribing psychologist authorized to prescribe controlled  
157 substances.

158 (7) FINANCIAL RESPONSIBILITY.—A prescribing psychologist  
159 must maintain at least \$250,000 of professional liability  
160 insurance coverage.

161 (8) EXEMPTION.—A person holding an active license as a  
162 physician or physician assistant under chapter 458 or chapter  
163 459 or an advanced practice registered nurse holding an active  
164 license under chapter 464 is exempt from the certification  
165 requirements of this section.

166 (9) INTERIM PANEL.—By October 1, 2024, the board shall  
167 establish an interim panel to provide recommendations for  
168 proposed rules governing prescriptive authority for  
169 psychologists. The interim panel shall consist of a psychiatrist  
170 licensed under chapter 458 or chapter 459 and a pediatrician,  
171 both selected by the Board of Medicine; a pharmacist who holds a  
172 doctoral degree, selected by the Board of Pharmacy; and two  
173 psychologists who hold postdoctoral master's degrees in clinical  
174 psychopharmacology, selected by the Board of Psychology. The

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175 panel shall submit its recommendations for proposed rules to the  
176 board by February 1, 2025.

177 (a) The interim panel shall establish a formulary that:

178 1. Authorizes the prescribing of drugs recognized and  
179 customarily used for the management of mental, nervous,  
180 emotional, behavioral, substance abuse, and cognitive diseases.

181 2. Establishes guidelines for the pharmacological treatment  
182 of patients younger than 18 years of age.

183 3. Limits the prescribing of Schedule II controlled  
184 substances to those drugs recognized and customarily used for  
185 the management of mental, nervous, emotional, behavioral,  
186 substance abuse, and cognitive diseases.

187 4. Prohibits the prescribing of drugs primarily used to  
188 pharmacologically treat patients for other primary conditions,  
189 unless specifically defined and authorized in the formulary.

190 (b) This subsection expires May 1, 2025.

191 Section 2. Subsection (18) of section 627.6131, Florida  
192 Statutes, is amended to read:

193 627.6131 Payment of claims.—

194 (18) Notwithstanding the 30-month period provided in  
195 subsection (6), all claims for overpayment submitted to a  
196 provider licensed under chapter 458, chapter 459, chapter 460,  
197 chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to  
198 the provider within 12 months after the health insurer's payment  
199 of the claim. A claim for overpayment may not be permitted  
200 beyond 12 months after the health insurer's payment of a claim,  
201 except that claims for overpayment may be sought beyond that  
202 time from providers convicted of fraud pursuant to s. 817.234.

203 Section 3. The amendments made to s. 627.6131(18), Florida

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204 Statutes, by this act apply to claims for services provided on  
205 or after October 1, 2024.

206 Section 4. This act shall take effect upon becoming a law.