

By Senator Brandes

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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 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

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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 to  
36 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 has  
47 received from the board a certificate for prescriptive authority  
48 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

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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,

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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 Association's  
97 established policies for the training of psychologists in  
98 preparation for prescriptive authority, relevant clinical  
99 experience sufficient for the applicant to attain competency in  
100 the psychopharmacological treatment of a diverse patient  
101 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.

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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

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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.—

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, 2021, 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, 2022.

173 Section 2. This act shall take effect July 1, 2021.