

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  
 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 physician.

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  
 54 has received from the board a certificate for prescriptive  
 55 authority 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 authority to  
 58 prescribe, administer, discontinue, or distribute drugs or  
 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  
 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  
 105 Association's established policies for the training of  
 106 psychologists in preparation for prescriptive authority,  
 107 relevant clinical experience sufficient for the applicant to  
 108 attain competency in the psychopharmacological treatment of a  
 109 diverse patient population or at least 2 years practicing under  
 110 the supervision of a licensed physician whose practice involves  
 111 the 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.

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.

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 the board authorizing a psychologist to prescribe  
152 controlled substances, the prescribing psychologist must file  
153 with the board, within 10 days after the authorization, his or  
154 her 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  
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  
 182 treatment 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,

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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  
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.