

1                   A bill to be entitled  
2           An act relating to certification for prescriptive  
3           authority; creating s. 490.017, F.S.; providing  
4           definitions; requiring the Board of Psychology to  
5           certify specified psychologists to exercise  
6           prescriptive authority; requiring the board to develop  
7           and implement certain procedures to review  
8           requirements for certification; requiring rulemaking  
9           by the board; providing application requirements for  
10          certification; requiring the board to establish a  
11          method for certification renewal; authorizing the use  
12          of prescriptive authority by a prescribing  
13          psychologist; providing requirements for prescribing  
14          psychologists; requiring prescribing psychologists  
15          authorized to prescribe controlled substances to file  
16          specified information within a certain time after such  
17          authorization; requiring the board to maintain a  
18          record of such psychologists; requiring the board to  
19          provide a list containing specified information  
20          relating to prescribing psychologists to the Board of  
21          Pharmacy; requiring the board to notify the Board of  
22          Pharmacy of any changes to such list; requiring the  
23          board to establish an interim panel by a specified  
24          date; providing for duties, composition, and  
25          expiration of the panel; requiring the panel to submit

26 its recommendations to the board by a specified date;  
 27 providing an effective date.

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

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31 Section 1. Section 490.017, Florida Statutes, is created  
 32 to read:

33 490.017 Certification for prescriptive authority.-

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

35 (a) "Clinical experience" means a period of training and  
 36 practice in which a person, under the supervision of a  
 37 psychologist licensed under this chapter, learns and conducts  
 38 diagnoses and interventions.

39 (b) "Controlled substance" has the same meaning as in s.  
 40 893.02.

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

42 (d) "Prescribing psychologist" means a psychologist  
 43 licensed under this chapter who has received a certification for  
 44 prescriptive authority from the board which has not been  
 45 modified, suspended, or revoked.

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

47 (f) "Prescriptive authority" means the certification to  
 48 prescribe, administer, discontinue, or distribute without charge  
 49 drugs or controlled substances recognized or customarily used in  
 50 the diagnosis, treatment, or management of an individual with a

51 psychiatric, mental, cognitive, nervous, emotional,  
52 developmental, or behavioral disorder. The term includes the  
53 certification to order laboratory tests, diagnostic  
54 examinations, and procedures necessary to obtain laboratory  
55 tests or diagnostic examinations or other procedures directly  
56 related thereto within the scope of the 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 a  
63 psychologist's certification for prescriptive authority. The  
64 board may require remediation by a prescribing psychologist of  
65 deficiencies in his or her training or practice upon a  
66 determination that such deficiencies could reasonably be  
67 expected to jeopardize the health, safety, or welfare of the  
68 public.

69 (3) APPLICATION REQUIREMENTS.—

70 (a) A psychologist licensed under this chapter who applies  
71 for certification for prescriptive authority shall provide,  
72 through an official transcript or other official document deemed  
73 satisfactory by the board, proof of the following:

74 1. A valid and current license.

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 board  
80 to establish competency in prescriptive authority.

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

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

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

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

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

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

112 (4) CERTIFICATION RENEWAL.—

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

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

121 (5) PRESCRIPTIVE AUTHORITY.—

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

125 (b) A prescribing psychologist shall:

- 126        1. Maintain a record of all prescribed drugs for each  
127 patient.
- 128        2. Comply with all rules adopted pursuant to this section.
- 129        3. Consult and collaborate with a patient's primary care  
130 physician and concur with such physician before prescribing a  
131 drug, altering a drug treatment plan, or terminating a drug.
- 132        (c) A prescribing psychologist may not:
- 133            1. Issue a prescription without a valid and current  
134 certification for prescriptive authority.
- 135            2. Delegate prescriptive authority to another person.
- 136            3. Prescribe drugs 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 determined by the board to be  
141 sufficient.
- 142            2. Comply with all applicable state and federal laws.
- 143        (6) CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY.—
- 144            (a) When authorized to prescribe controlled substances, a  
145 prescribing psychologist shall file with the board, within 10  
146 days after such authorization, his or her federal Drug  
147 Enforcement Administration registration number.
- 148            (b) The board shall maintain a current record of every  
149 prescribing psychologist authorized to prescribe controlled  
150 substances.

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

152 (a) The board shall submit to the Board of Pharmacy an  
153 initial list of prescribing psychologists containing:

154 1. The psychologist's name.

155 2. The psychologist's certification number.

156 3. The effective date of the psychologist's certification  
157 for prescriptive authority.

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

163 (8) INTERIM PANEL.—The board shall establish an interim  
164 panel by October 1, 2020, to provide recommendations for  
165 proposed rules governing certification to exercise prescriptive  
166 authority for psychologists. The interim panel shall be  
167 comprised of a psychiatrist licensed under chapter 458 or  
168 chapter 459 selected by the Board of Medicine, a physician  
169 licensed under chapter 458 who is a board-certified pediatrician  
170 selected by the Board of Medicine, a pharmacist licensed under  
171 chapter 465 who holds a doctoral degree in pharmacy selected by  
172 the Board of Pharmacy, and two psychologists licensed under  
173 chapter 490 who currently serve on the board or hold  
174 postdoctoral master's degrees in clinical psychopharmacology  
175 selected by the board. The panel shall submit its

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176 | recommendations for proposed rules to the board by May 1, 2021.

177 | This subsection expires May 1, 2021.

178 | Section 2. This act shall take effect October 1, 2020.