

By the Committee on Health Policy; and Senator Richter

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1                                   A bill to be entitled  
2           An act relating to the practice of optometry; amending  
3           s. 463.002, F.S.; requiring a licensed practitioner  
4           who is not a certified optometrist to display a  
5           specifically worded sign; revising definitions;  
6           defining the term "ocular pharmaceutical agent";  
7           amending s. 463.005, F.S.; authorizing the Board of  
8           Optometry to adopt rules relating to the  
9           administration and prescription of ocular  
10          pharmaceutical agents; amending s. 463.0055, F.S.;  
11          requiring a certified optometrist to complete a course  
12          and examination on general and ocular pharmaceutical  
13          agents before administering or prescribing oral ocular  
14          pharmaceutical agents; specifying the number of  
15          required course hours based on the date of licensure;  
16          requiring the Florida Medical Association and the  
17          Florida Optometric Association to jointly develop and  
18          administer the course and examination; revising  
19          provisions relating to the development of a formulary  
20          of pharmaceutical agents; amending s. 463.0057, F.S.;  
21          prohibiting the holder of an optometric faculty  
22          certificate from administering or prescribing  
23          pharmaceutical agents; amending s. 463.006, F.S.;  
24          revising provisions relating to licensure and  
25          certification of optometrists; amending s. 463.0135,  
26          F.S.; authorizing a certified optometrist to perform  
27          certain eye examinations; amending s. 463.014, F.S.;  
28          prohibiting a licensed practitioner of optometry from  
29          providing any drug for the purpose of treating a

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30 systemic disease; amending s. 483.035, F.S.; requiring  
31 a clinical laboratory operated by a licensed  
32 practitioner of optometry to be licensed under ch.  
33 463, F.S.; amending s. 483.041, F.S.; revising the  
34 definition of the term "licensed practitioner" to  
35 include certified optometrists; amending s. 483.181,  
36 F.S.; providing for an optometrist to accept a human  
37 specimen for examination, under certain conditions;  
38 amending s. 893.02, F.S.; redefining the term  
39 "practitioner" to include certified optometrists;  
40 amending s. 893.05, F.S.; prohibiting a certified  
41 optometrist from administering or prescribing  
42 pharmaceutical agents listed in Schedule I or Schedule  
43 II of the Florida Comprehensive Drug Abuse Prevention  
44 and Control Act; authorizing certain certified  
45 optometrists to administer certain oral analgesics;  
46 providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Paragraph (b) of subsection (3) and subsections  
51 (4) and (5) of section 463.002, Florida Statutes, are amended,  
52 and subsection (11) is added to that section, to read:

53 463.002 Definitions.—As used in this chapter, the term:

54 (3)

55 (b) A licensed practitioner who is not a certified  
56 optometrist is ~~shall be~~ required to display at her or his place  
57 of practice a sign that ~~which~~ states, "I am a licensed  
58 practitioner, not a certified optometrist, and I am not able to

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59 prescribe ~~topical-ocular~~ pharmaceutical agents."

60 (4) "Certified optometrist" means a licensed practitioner  
61 authorized by the board to administer and prescribe ~~topical~~  
62 ocular pharmaceutical agents.

63 (5) "Optometry" means the diagnosis of conditions of the  
64 human eye and its appendages; the employment of ~~any~~ objective or  
65 subjective means or methods, including the administration of  
66 ~~topical~~ ocular pharmaceutical agents, for the purpose of  
67 determining the refractive powers of the human eyes, or ~~any~~  
68 visual, muscular, neurological, or anatomic anomalies of the  
69 human eyes and their appendages; and the prescribing and  
70 employment of lenses, prisms, frames, mountings, contact lenses,  
71 orthoptic exercises, light frequencies, and ~~any~~ other means or  
72 methods, including ~~topical~~ ocular pharmaceutical agents, for the  
73 correction, remedy, or relief of ~~any~~ insufficiencies or abnormal  
74 conditions of the human eyes and their appendages.

75 (11) "Ocular pharmaceutical agent" means a pharmaceutical  
76 agent that is administered topically or orally for the diagnosis  
77 or treatment of ocular conditions of the human eye and its  
78 appendages without the use of surgery or other invasive  
79 techniques.

80 Section 2. Paragraph (g) of subsection (1) of section  
81 463.005, Florida Statutes, is amended to read:

82 463.005 Authority of the board.—

83 (1) The Board of Optometry may ~~has authority to~~ adopt rules  
84 pursuant to ss. 120.536(1) and 120.54 to implement the  
85 provisions of this chapter conferring duties upon it. Such rules  
86 ~~shall~~ include, but are not ~~be~~ limited to, rules relating to:

87 (g) Administration and prescription of ~~topical~~ ocular

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88 pharmaceutical agents.

89 Section 3. Section 463.0055, Florida Statutes, is amended  
90 to read:

91 463.0055 Administration and prescription of ~~topical~~ ocular  
92 pharmaceutical agents; committee.—

93 (1) (a) Certified optometrists may administer and prescribe  
94 ~~topical~~ ocular pharmaceutical agents as provided in this section  
95 for the diagnosis and treatment of ocular conditions of the  
96 human eye and its appendages without the use of surgery or other  
97 invasive techniques. However, a licensed practitioner who is not  
98 certified may use topically applied anesthetics solely for the  
99 purpose of glaucoma examinations, but is otherwise prohibited  
100 from administering or prescribing ~~topical-ocular~~ pharmaceutical  
101 agents.

102 (b) Before a certified optometrist may administer or  
103 prescribe oral ocular pharmaceutical agents, the certified  
104 optometrist must complete a course and subsequent examination on  
105 general and ocular pharmaceutical agents and the side effects of  
106 those agents. For certified optometrists licensed before January  
107 1, 1990, the course consists of 50 contact hours, with 25 of  
108 those hours web-based. For certified optometrists licensed on or  
109 after January 1, 1990, the course consists of 20 contact hours,  
110 with 10 of those hours web-based. The first course and  
111 examination shall be presented by July 1, 2013, and shall be  
112 administered at least annually thereafter. The Florida Medical  
113 Association and the Florida Optometric Association shall jointly  
114 develop and administer a course and examination for such purpose  
115 and jointly determine the site or sites for the course and  
116 examination.

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117 (2) (a) There is ~~hereby~~ created a committee composed of two  
118 certified optometrists licensed pursuant to this chapter,  
119 appointed by the Board of Optometry, two board-certified  
120 ophthalmologists licensed pursuant to chapter 458 or chapter  
121 459, appointed by the Board of Medicine, and one additional  
122 person with a doctorate degree in pharmacology who is not  
123 licensed pursuant to chapter 458, chapter 459, or this chapter,  
124 appointed by the State Surgeon General. The committee shall  
125 review requests for additions to, deletions from, or  
126 modifications of a formulary of ~~topical~~ ocular pharmaceutical  
127 agents for administration and prescription by certified  
128 optometrists and shall provide to the board advisory opinions  
129 and recommendations on such requests. The committee's opinions  
130 and recommendations must state specific findings of fact and  
131 grounds for its recommendation. The committee's findings,  
132 opinions, and recommendations are not subject to review pursuant  
133 to ss. 120.569 and 120.57. The formulary shall consist of those  
134 ~~topical~~ ocular pharmaceutical agents that which are appropriate  
135 to treat and diagnose ocular diseases and disorders and which  
136 the certified optometrist is qualified to use in the practice of  
137 optometry. The board shall establish, add to, delete from, or  
138 modify the formulary by rule. The board is bound by the  
139 committee's recommendations on oral ocular pharmaceutical agents  
140 unless competent substantial evidence is presented to the board  
141 sufficient to rebut the committee's recommendation.  
142 Notwithstanding any provision of chapter 120 to the contrary,  
143 the formulary rule becomes ~~shall become~~ effective 60 days from  
144 the date it is filed with the Secretary of State.

145 (b) The formulary may be added to, deleted from, or

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146 modified according to the procedure described in paragraph (a).  
147 A ~~Any~~ person who requests an addition, deletion, or modification  
148 of an authorized ~~topical~~ ocular pharmaceutical agent has ~~shall~~  
149 ~~have~~ the burden of proof to show cause why such addition,  
150 deletion, or modification should be made.

151 (c) The State Surgeon General has ~~shall have~~ standing to  
152 challenge a ~~any~~ rule or proposed rule of the board pursuant to  
153 s. 120.56. In addition to challenges to an ~~for any~~ invalid  
154 exercise of delegated legislative authority, the administrative  
155 law judge, upon such a challenge by the State Surgeon General,  
156 may declare all or part of a rule or proposed rule invalid if  
157 it:

- 158 1. Does not protect the public from ~~any~~ significant and  
159 discernible harm or damages;
- 160 2. Unreasonably restricts competition or the availability  
161 of professional services in the state or in a significant part  
162 of the state; or
- 163 3. Unnecessarily increases the cost of professional  
164 services without a corresponding or equivalent public benefit.

165  
166 However, ~~there shall not be created~~ a presumption of the  
167 existence of ~~any of~~ the conditions cited in this subsection is  
168 not created in the event that the rule or proposed rule is  
169 challenged.

170 (d) Upon adoption of the formulary required by this  
171 section, and upon each addition, deletion, or modification to  
172 the formulary, the board shall mail a copy of the amended  
173 formulary to each certified optometrist and to each pharmacy  
174 licensed by the state.

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175 (3) A certified optometrist shall be issued a prescriber  
176 number by the board. Any prescription written by a certified  
177 optometrist for an ~~a topical~~ ocular pharmaceutical agent  
178 pursuant to this section must include ~~shall have~~ the prescriber  
179 number ~~printed thereon~~.

180 Section 4. Subsection (3) of section 463.0057, Florida  
181 Statutes, is amended to read:

182 463.0057 Optometric faculty certificate.—

183 (3) The holder of a faculty certificate may engage in the  
184 practice of optometry as permitted by this section, but may not  
185 administer or prescribe ~~topical~~ ocular pharmaceutical agents  
186 unless the certificateholder has satisfied the requirements of  
187 ss. 463.0055(1)(b) and ~~§. 463.006(1)(b)4.~~ and 5.

188 Section 5. Subsections (2) and (3) of section 463.006,  
189 Florida Statutes, are amended to read:

190 463.006 Licensure and certification by examination.—

191 (2) The examination consists ~~shall consist~~ of the  
192 appropriate subjects, including applicable state laws and rules  
193 and general and ocular pharmacology with emphasis on the use  
194 ~~topical application~~ and side effects of ~~ocular~~ pharmaceutical  
195 agents. The board may by rule substitute a national examination  
196 as part or all of the examination and may by rule offer a  
197 practical examination in addition to the written examination.

198 (3) Each applicant who successfully passes the examination  
199 and otherwise meets the requirements of this chapter is entitled  
200 to be licensed as a practitioner and to be certified to  
201 administer and prescribe ~~topical-ocular~~ pharmaceutical agents in  
202 the diagnosis and treatment of ocular conditions.

203 Section 6. Subsection (10) is added to section 463.0135,

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204 Florida Statutes, to read:

205 463.0135 Standards of practice.—

206 (10) A certified optometrist may perform any eye  
207 examination, including a dilated examination, required or  
208 authorized by chapter 548 or by rules adopted to implement that  
209 chapter.

210 Section 7. Subsection (3) of section 463.014, Florida  
211 Statutes, is amended to read:

212 463.014 Certain acts prohibited.—

213 (3) Prescribing, ordering, dispensing, administering,  
214 supplying, selling, or giving any drug for the purpose of  
215 treating a systemic disease ~~systemic drugs~~ by a licensed  
216 practitioner is prohibited.

217 Section 8. Subsection (1) of section 483.035, Florida  
218 Statutes, is amended to read:

219 483.035 Clinical laboratories operated by practitioners for  
220 exclusive use; licensure and regulation.—

221 (1) A clinical laboratory operated by one or more  
222 practitioners licensed under chapter 458, chapter 459, chapter  
223 460, chapter 461, chapter 462, chapter 463, or chapter 466,  
224 exclusively in connection with the diagnosis and treatment of  
225 their own patients, must be licensed under this part and must  
226 comply with the provisions of this part, except that the agency  
227 shall adopt rules for staffing, for personnel, including  
228 education and training of personnel, for proficiency testing,  
229 and for construction standards relating to the licensure and  
230 operation of the laboratory based upon and not exceeding the  
231 same standards contained in the federal Clinical Laboratory  
232 Improvement Amendments of 1988 and the federal regulations



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233 adopted thereunder.

234 Section 9. Subsection (7) of section 483.041, Florida  
235 Statutes, is amended to read:

236 483.041 Definitions.—As used in this part, the term:

237 (7) "Licensed practitioner" means a physician licensed  
238 under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, or  
239 chapter 463; a dentist licensed under chapter 466; a person  
240 licensed under chapter 462; or an advanced registered nurse  
241 practitioner licensed under part I of chapter 464; or a duly  
242 licensed practitioner from another state licensed under similar  
243 statutes who orders examinations on materials or specimens for  
244 nonresidents of the State of Florida, but who reside in the same  
245 state as the requesting licensed practitioner.

246 Section 10. Subsection (5) of section 483.181, Florida  
247 Statutes, is amended to read:

248 483.181 Acceptance, collection, identification, and  
249 examination of specimens.—

250 (5) A clinical laboratory licensed under this part must  
251 accept a human specimen submitted for examination by a  
252 practitioner licensed under chapter 458, chapter 459, chapter  
253 460, chapter 461, chapter 462, chapter 463, s. 464.012, or  
254 chapter 466, if the specimen and test are the type performed by  
255 the clinical laboratory. A clinical laboratory may only refuse a  
256 specimen based upon a history of nonpayment for services by the  
257 practitioner. A clinical laboratory may ~~shall~~ not charge  
258 different prices for tests based upon the chapter under which a  
259 practitioner submitting a specimen for testing is licensed.

260 Section 11. Subsection (21) of section 893.02, Florida  
261 Statutes, is amended to read:

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262           893.02 Definitions.—The following words and phrases as used  
263 in this chapter shall have the following meanings, unless the  
264 context otherwise requires:

265           (21) "Practitioner" means a physician licensed pursuant to  
266 chapter 458, a dentist licensed pursuant to chapter 466, a  
267 veterinarian licensed pursuant to chapter 474, an osteopathic  
268 physician licensed pursuant to chapter 459, a naturopath  
269 licensed pursuant to chapter 462, a certified optometrist  
270 licensed pursuant to chapter 463, or a podiatric physician  
271 licensed pursuant to chapter 461, provided such practitioner  
272 holds a valid federal controlled substance registry number.

273           Section 12. Subsection (1) of section 893.05, Florida  
274 Statutes, is amended to read:

275           893.05 Practitioners and persons administering controlled  
276 substances in their absence.—

277           (1) A practitioner, in good faith and in the course of his  
278 or her professional practice only, may prescribe, administer,  
279 dispense, mix, or otherwise prepare a controlled substance, or  
280 the practitioner may cause the same to be administered by a  
281 licensed nurse or an intern practitioner under his or her  
282 direction and supervision only. A veterinarian may so prescribe,  
283 administer, dispense, mix, or prepare a controlled substance for  
284 use on animals only, and may cause it to be administered by an  
285 assistant or orderly under the veterinarian's direction and  
286 supervision only. A certified optometrist licensed under chapter  
287 463 may not administer or prescribe pharmaceutical agents listed  
288 in Schedule I or Schedule II of s. 893.03. A certified  
289 optometrist who has complied with the provisions of section  
290 463.0055(1) (b) may administer oral analgesics listed in Schedule

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291 III, IV, or V for the relief of pain due to ocular conditions of  
292 the eye and its appendages.

293 Section 13. This act shall take effect July 1, 2013.