



606544

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2013	.	
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The Committee on Health Policy (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

463.002 Definitions.—As used in this chapter, the term:
(3)

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



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13 practitioner, not a certified optometrist, and I am not able to
14 prescribe ~~topical-ocular~~ pharmaceutical agents."

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

18 (5) "Optometry" means the diagnosis of conditions of the
19 human eye and its appendages; the employment of ~~any~~ objective or
20 subjective means or methods, including the administration of
21 ~~topical~~ ocular pharmaceutical agents, for the purpose of
22 determining the refractive powers of the human eyes, or ~~any~~
23 visual, muscular, neurological, or anatomic anomalies of the
24 human eyes and their appendages; and the prescribing and
25 employment of lenses, prisms, frames, mountings, contact lenses,
26 orthoptic exercises, light frequencies, and ~~any~~ other means or
27 methods, including ~~topical~~ ocular pharmaceutical agents, for the
28 correction, remedy, or relief of ~~any~~ insufficiencies or abnormal
29 conditions of the human eyes and their appendages.

30 (11) "Ocular pharmaceutical agent" means a pharmaceutical
31 agent that is administered topically or orally for the diagnosis
32 or treatment of ocular conditions of the human eye and its
33 appendages without the use of surgery or other invasive
34 techniques.

35 Section 2. Paragraph (g) of subsection (1) of section
36 463.005, Florida Statutes, is amended to read:

37 463.005 Authority of the board.—

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



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42 (g) Administration and prescription of ~~topical~~ ocular
43 pharmaceutical agents.

44 Section 3. Section 463.0055, Florida Statutes, is amended
45 to read:

46 463.0055 Administration and prescription of ~~topical~~ ocular
47 pharmaceutical agents; committee.—

48 (1) (a) Certified optometrists may administer and prescribe
49 ~~topical~~ ocular pharmaceutical agents as provided in this section
50 for the diagnosis and treatment of ocular conditions of the
51 human eye and its appendages without the use of surgery or other
52 invasive techniques. However, a licensed practitioner who is not
53 certified may use topically applied anesthetics solely for the
54 purpose of glaucoma examinations, but is otherwise prohibited
55 from administering or prescribing ~~topical-ocular~~ pharmaceutical
56 agents.

57 (b) Before a certified optometrist may administer or
58 prescribe oral ocular pharmaceutical agents, the certified
59 optometrist must complete a course and subsequent examination on
60 general and ocular pharmaceutical agents and the side effects of
61 those agents. For certified optometrists licensed before January
62 1, 1990, the course consists of 50 contact hours, with 25 of
63 those hours web-based. For certified optometrists licensed on or
64 after January 1, 1990, the course consists of 20 contact hours,
65 with 10 of those hours web-based. The first course and
66 examination shall be presented by July 1, 2013, and shall be
67 administered at least annually thereafter. The Florida Medical
68 Association and the Florida Optometric Association shall jointly
69 develop and administer a course and examination for such purpose
70 and jointly determine the site or sites for the course and



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71 examination.

72 (2) (a) There is ~~hereby~~ created a committee composed of two
73 certified optometrists licensed pursuant to this chapter,
74 appointed by the Board of Optometry, two board-certified
75 ophthalmologists licensed pursuant to chapter 458 or chapter
76 459, appointed by the Board of Medicine, and one additional
77 person with a doctorate degree in pharmacology who is not
78 licensed pursuant to chapter 458, chapter 459, or this chapter,
79 appointed by the State Surgeon General. The committee shall
80 review requests for additions to, deletions from, or
81 modifications of a formulary of ~~topical~~ ocular pharmaceutical
82 agents for administration and prescription by certified
83 optometrists and shall provide to the board advisory opinions
84 and recommendations on such requests. The committee's opinions
85 and recommendations must state specific findings of fact and
86 grounds for its recommendation. The committee's findings,
87 opinions, and recommendations are not subject to review pursuant
88 to ss. 120.569 and 120.57. The formulary shall consist of those
89 ~~topical~~ ocular pharmaceutical agents that which are appropriate
90 to treat and diagnose ocular diseases and disorders and which
91 the certified optometrist is qualified to use in the practice of
92 optometry. The board shall establish, add to, delete from, or
93 modify the formulary by rule. The board is bound by the
94 committee's recommendations on oral ocular pharmaceutical agents
95 unless competent substantial evidence is presented to the board
96 sufficient to rebut the committee's recommendation.
97 Notwithstanding any provision of chapter 120 to the contrary,
98 the formulary rule becomes ~~shall become~~ effective 60 days from
99 the date it is filed with the Secretary of State.



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100 (b) The formulary may be added to, deleted from, or
101 modified according to the procedure described in paragraph (a).
102 A ~~Any~~ person who requests an addition, deletion, or modification
103 of an authorized ~~topical~~ ocular pharmaceutical agent has ~~shall~~
104 ~~have~~ the burden of proof to show cause why such addition,
105 deletion, or modification should be made.

106 (c) The State Surgeon General has ~~shall have~~ standing to
107 challenge a ~~any~~ rule or proposed rule of the board pursuant to
108 s. 120.56. In addition to challenges to an ~~for any~~ invalid
109 exercise of delegated legislative authority, the administrative
110 law judge, upon such a challenge by the State Surgeon General,
111 may declare all or part of a rule or proposed rule invalid if
112 it:

113 1. Does not protect the public from ~~any~~ significant and
114 discernible harm or damages;

115 2. Unreasonably restricts competition or the availability
116 of professional services in the state or in a significant part
117 of the state; or

118 3. Unnecessarily increases the cost of professional
119 services without a corresponding or equivalent public benefit.

120
121 However, ~~there shall not be created~~ a presumption of the
122 existence of ~~any of~~ the conditions cited in this subsection is
123 not created in the event that the rule or proposed rule is
124 challenged.

125 (d) Upon adoption of the formulary required by this
126 section, and upon each addition, deletion, or modification to
127 the formulary, the board shall mail a copy of the amended
128 formulary to each certified optometrist and to each pharmacy



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129 licensed by the state.

130 (3) A certified optometrist shall be issued a prescriber
131 number by the board. Any prescription written by a certified
132 optometrist for an ~~a topical~~ ocular pharmaceutical agent
133 pursuant to this section must include ~~shall have~~ the prescriber
134 number ~~printed thereon~~.

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

137 463.0057 Optometric faculty certificate.—

138 (3) The holder of a faculty certificate may engage in the
139 practice of optometry as permitted by this section, but may not
140 administer or prescribe ~~topical~~ ocular pharmaceutical agents
141 unless the certificateholder has satisfied the requirements of
142 ss. 463.0055(1)(b) and s. 463.006(1)(b)4. and 5.

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

145 463.006 Licensure and certification by examination.—

146 (2) The examination consists ~~shall consist~~ of the
147 appropriate subjects, including applicable state laws and rules
148 and general and ocular pharmacology with emphasis on the use
149 ~~topical application~~ and side effects of ~~ocular~~ pharmaceutical
150 agents. The board may by rule substitute a national examination
151 as part or all of the examination and may by rule offer a
152 practical examination in addition to the written examination.

153 (3) Each applicant who successfully passes the examination
154 and otherwise meets the requirements of this chapter is entitled
155 to be licensed as a practitioner and to be certified to
156 administer and prescribe ~~topical-ocular~~ pharmaceutical agents in
157 the diagnosis and treatment of ocular conditions.



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158 Section 6. Subsection (10) is added to section 463.0135,
159 Florida Statutes, to read:

160 463.0135 Standards of practice.—

161 (10) A certified optometrist may perform any eye
162 examination, including a dilated examination, required or
163 authorized by chapter 548 or by rules adopted to implement that
164 chapter.

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

167 463.014 Certain acts prohibited.—

168 (3) Prescribing, ordering, dispensing, administering,
169 supplying, selling, or giving any drug for the purpose of
170 treating a systemic disease ~~systemic drugs~~ by a licensed
171 practitioner is prohibited.

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

174 483.035 Clinical laboratories operated by practitioners for
175 exclusive use; licensure and regulation.—

176 (1) A clinical laboratory operated by one or more
177 practitioners licensed under chapter 458, chapter 459, chapter
178 460, chapter 461, chapter 462, chapter 463, or chapter 466,
179 exclusively in connection with the diagnosis and treatment of
180 their own patients, must be licensed under this part and must
181 comply with the provisions of this part, except that the agency
182 shall adopt rules for staffing, for personnel, including
183 education and training of personnel, for proficiency testing,
184 and for construction standards relating to the licensure and
185 operation of the laboratory based upon and not exceeding the
186 same standards contained in the federal Clinical Laboratory



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187 Improvement Amendments of 1988 and the federal regulations
188 adopted thereunder.

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

191 483.041 Definitions.—As used in this part, the term:

192 (7) "Licensed practitioner" means a physician licensed
193 under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, or
194 chapter 463; a dentist licensed under chapter 466; a person
195 licensed under chapter 462; or an advanced registered nurse
196 practitioner licensed under part I of chapter 464; or a duly
197 licensed practitioner from another state licensed under similar
198 statutes who orders examinations on materials or specimens for
199 nonresidents of the State of Florida, but who reside in the same
200 state as the requesting licensed practitioner.

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

203 483.181 Acceptance, collection, identification, and
204 examination of specimens.—

205 (5) A clinical laboratory licensed under this part must
206 accept a human specimen submitted for examination by a
207 practitioner licensed under chapter 458, chapter 459, chapter
208 460, chapter 461, chapter 462, chapter 463, s. 464.012, or
209 chapter 466, if the specimen and test are the type performed by
210 the clinical laboratory. A clinical laboratory may only refuse a
211 specimen based upon a history of nonpayment for services by the
212 practitioner. A clinical laboratory may ~~shall~~ not charge
213 different prices for tests based upon the chapter under which a
214 practitioner submitting a specimen for testing is licensed.

215 Section 11. Subsection (21) of section 893.02, Florida



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216 Statutes, is amended to read:

217 893.02 Definitions.—The following words and phrases as used
218 in this chapter shall have the following meanings, unless the
219 context otherwise requires:

220 (21) "Practitioner" means a physician licensed pursuant to
221 chapter 458, a dentist licensed pursuant to chapter 466, a
222 veterinarian licensed pursuant to chapter 474, an osteopathic
223 physician licensed pursuant to chapter 459, a naturopath
224 licensed pursuant to chapter 462, a certified optometrist
225 licensed pursuant to chapter 463, or a podiatric physician
226 licensed pursuant to chapter 461, provided such practitioner
227 holds a valid federal controlled substance registry number.

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

230 893.05 Practitioners and persons administering controlled
231 substances in their absence.—

232 (1) A practitioner, in good faith and in the course of his
233 or her professional practice only, may prescribe, administer,
234 dispense, mix, or otherwise prepare a controlled substance, or
235 the practitioner may cause the same to be administered by a
236 licensed nurse or an intern practitioner under his or her
237 direction and supervision only. A veterinarian may so prescribe,
238 administer, dispense, mix, or prepare a controlled substance for
239 use on animals only, and may cause it to be administered by an
240 assistant or orderly under the veterinarian's direction and
241 supervision only. A certified optometrist licensed under chapter
242 463 may not administer or prescribe pharmaceutical agents listed
243 in Schedule I or Schedule II of s. 893.03. A certified
244 optometrist who has complied with the provisions of section



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245 463.0055(1)(b) may administer oral analgesics listed in Schedule
246 III, IV, or V for the relief of pain due to ocular conditions of
247 the eye and its appendages.

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

249

250 ===== T I T L E A M E N D M E N T =====

251 And the title is amended as follows:

252 Delete everything before the enacting clause
253 and insert:

254 A bill to be entitled
255 An act relating to the practice of optometry; amending
256 s. 463.002, F.S.; requiring a licensed practitioner
257 who is not a certified optometrist to display a
258 specifically worded sign; revising definitions;
259 defining the term "ocular pharmaceutical agent";
260 amending s. 463.005, F.S.; authorizing the Board of
261 Optometry to adopt rules relating to the
262 administration and prescription of ocular
263 pharmaceutical agents; amending s. 463.0055, F.S.;
264 requiring a certified optometrist to complete a course
265 and examination on general and ocular pharmaceutical
266 agents before administering or prescribing oral ocular
267 pharmaceutical agents; specifying the number of
268 required course hours based on the date of licensure;
269 requiring the Florida Medical Association and the
270 Florida Optometric Association to jointly develop and
271 administer the course and examination; revising
272 provisions relating to the development of a formulary
273 of pharmaceutical agents; amending s. 463.0057, F.S.;



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274 prohibiting the holder of an optometric faculty
275 certificate from administering or prescribing
276 pharmaceutical agents; amending s. 463.006, F.S.;
277 revising provisions relating to licensure and
278 certification of optometrists; amending s. 463.0135,
279 F.S.; authorizing a certified optometrist to perform
280 certain eye examinations; amending s. 463.014, F.S.;
281 prohibiting a licensed practitioner of optometry from
282 providing any drug for the purpose of treating a
283 systemic disease; amending s. 483.035, F.S.; requiring
284 a clinical laboratory operated by a licensed
285 practitioner of optometry to be licensed under ch.
286 463, F.S.; amending s. 483.041, F.S.; revising the
287 definition of the term "licensed practitioner" to
288 include certified optometrists; amending s. 483.181,
289 F.S.; providing for an optometrist to accept a human
290 specimen for examination, under certain conditions;
291 amending s. 893.02, F.S.; redefining the term
292 "practitioner" to include certified optometrists;
293 amending s. 893.05, F.S.; prohibiting a certified
294 optometrist from administering or prescribing
295 pharmaceutical agents listed in Schedule I or Schedule
296 II of the Florida Comprehensive Drug Abuse Prevention
297 and Control Act; authorizing certain certified
298 optometrists to administer certain oral analgesics;
299 providing an effective date.