

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 520

INTRODUCER: Senator Latvala and others

SUBJECT: Optometrists

DATE: December 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Pre-meeting
2.	_____	_____	AP	_____
3.	_____	_____	RC	_____

I. Summary:

SB 520 authorizes an optometry student, attending a board approved, accredited school of optometry, to submit his or her application for licensure and certification during the 24 months preceding his or her graduation. The bill also clarifies that the Board of Optometry may offer a practical examination in addition to a written examination.

The bill takes effect upon becoming law.

II. Present Situation:

The Practice of Optometry

The Department of Health (DOH) is responsible for the regulation of optometrists in Florida for the preservation of the health, safety, and welfare of the public. The Board of Optometry (board) was established to ensure that every person engaged in the practice of optometry meets minimum requirements for safe practice.¹

Optometry is the diagnosis of conditions of the human eye and its appendages.² The practice of optometry includes:

- The employment of any objective or subjective means or methods to assist in the diagnosis of conditions of the human eyes and its appendages, including:
 - The administration of ocular pharmaceutical agents, for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and

¹ Section 463.001, F.S., and The Department of Health, *Florida Board of Optometry*, available at: <http://floridasoptometry.gov/>, (last visited Nov. 8, 2017).

² Section 463.002(10), F.S. “Appendages” means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus.

- The prescribing and use of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, including ocular pharmaceutical agents,³ for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages.⁴

Licensed optometrists who are not certified, may use only topical anesthetics for the sole purpose of glaucoma examinations, but are otherwise prohibited from administering or prescribing ocular pharmaceutical agents.⁵ A licensed optometrist is required to post in his or her practice location a sign which states, “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe ocular pharmaceutical agents.”⁶

All optometrists initially licensed after July 1, 1993,⁷ are now required to be certified; and may administer and prescribe ocular pharmaceutical agents for the diagnosis and treatment of ocular conditions of the human eye and its appendages without the use of surgery or other invasive techniques.⁸

Licensure and Certification

Pursuant to ch. 456, F.S., the general provisions applicable to all professions regulated by the DOH, in the Division of Medical Quality Assurance, the DOH must provide for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. For each examination developed by the DOH or a contract vendor, the board must specify by rule:

- The general areas to be covered by each examination;
- The relative weight to be assigned in grading each area tested; and
- The score necessary to achieve a passing grade.⁹

However, neither the board, nor the DOH, may administer a state-developed written examination if a national examination has been certified by the DOH.¹⁰ The board may administer a state-developed practical or clinical examination, if required by the applicable practice act, if all costs are paid by the candidate. If a national practical or clinical examination is available, and certified by the DOH, the board may administer the national examination.¹¹

³ “Ocular pharmaceutical agent” means a pharmaceutical agent that is administered topically or orally for the diagnosis or treatment of ocular conditions of the human eye and its appendages without the use of surgery or other invasive techniques. See s. 463.002(5), F.S.

⁴ Id.

⁵ See s. 463.55(1)(a), F.S.

⁶ Section 463.002(3), F.S.

⁷ Section 463.002(3), F.S. During the 1986 Legislation, ch 463, F.S., was amended to require that anyone applying for an optometrist license after July 1, 1993, must become a Certified Optometrist. The amendment required all applicants after that date to meet additional education and examination requirements. See also the Department of Health, Board of Optometry, *Licensing and Registration*, available at: <http://floridasoptometry.gov/licensing/>, (last visited Nov. 8, 2017).

⁸ Section 463.006(1), F.S.

⁹ Sections 463.002(4) and 463.0055, F.S.

¹⁰ Section 456.017(1)(a) and (b), F.S.

¹¹ Section 456.017(1)(c)2., F.S.

¹¹ Section 456.017, F.S.

Currently any person desiring to be a certified optometrist in Florida must apply to the DOH to take the licensure and certification examination(s).¹² The requirements for certification as an optometrist are:

- Submission of a completed application form;
- Submission of the application and examination fees;¹³
- Be at least 18 years of age;
- Provide documentation establishing that the candidate has graduated from a school or college of optometry approved by the board;
- Provide proof of at least 110 hours of transcript quality course work and clinical training in general and ocular pharmacology;
- Have completed at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the optometric experience;
- Successfully pass all four parts of the Florida Licensure Examination, consisting of:
 - Part I – the Applied Basic Science (ABS) portion of the examination developed by the National Board of Examiners in Optometry (NBEO);
 - Part II – the Patient Assessment and Management (PAM) portion of the examination developed by the NBEO which includes an embedded Treatment and Management of Ocular Disease examination;
 - Part III – the Clinical Skills (CSE) portion of the examination developed by the NBEO; and
 - Part IV – a written examination on applicable Florida laws and rules governing the practice of optometry, and
- If the applicant is, or has ever been, licensed in another state, he or she must also submit a licensure verification from each state.¹⁴

An applicant who fails to achieve a passing score on Part I, Part II, Part III or Part IV of the licensure examination may retake any part. Reexamination is limited to an 18-month period from the date of the original failure. The board may grant an extension of 1 additional year to allow an additional retake based on a medical disability substantiated by documentation from the applicant's physician.¹⁵

Renewal of Licensure and Certification

A licensed optometrist must renew his or her license every 2 years. In order to do so the licensee must pay a renewal fee not to exceed \$300, and demonstrate his or her professional competence by completing 30 hours of continuing education during the preceding 2-year period before license renewal. Certified optometrists must also complete 30-hour continuing education during the preceding 2 years, but their hours must include 6 or more hours of approved transcript-quality coursework in ocular and systemic pharmacology and the diagnosis, treatment, and management of ocular and systemic conditions and diseases.¹⁶

¹² Section 463.006(1), F.S.

¹³ Rule 64B13-6.001, F.A.C.

¹⁴ The Department of Health, Board of Optometry, *Licensure Requirements*, available at: <http://floridaoptometry.gov/licensing/certified-optometrist/>, (last visited Nov. 8, 2017).

¹⁵ Rule 64B13-4.002, F.A.C.

¹⁶ Section 463.007, F.S.

III. Effect of Proposed Changes:

SB 520 amends s. 463.006, F.S., to authorize an optometry student who is attending a board approved, accredited school or college of optometry, to submit his or her application for licensure and certification during the 24 months preceding his or her graduation. The bill provides that the applicant must have graduated from an approved school or college and met all requirements prior to being licensed and certified.

The bill clarifies that the board may offer a practical examination, in addition to a written examination, regardless of any provision in ch. 456, F.S., to the contrary.

The bill also makes two technical changes.

The bill takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH may incur additional costs in receiving, processing and storing additional applications for licensure as a certified optometrist for the 2 years before the applicant becomes eligible to take the examination(s).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 463.006, of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
