

By Senator Diaz

36-00524-21

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1 A bill to be entitled
2 An act relating to optometry; reordering and amending
3 s. 463.002, F.S.; revising and defining terms;
4 amending s. 463.003, F.S.; revising the member
5 composition requirements for the Board of Optometry;
6 revising applicability; amending s. 463.005, F.S.;
7 revising specified rules the board must adopt;
8 amending s. 463.0055, F.S.; revising circumstances
9 under which a certified optometrist may administer or
10 prescribe ocular pharmaceutical agents; deleting
11 requirements a certified optometrist must satisfy to
12 administer or prescribe ocular pharmaceutical agents;
13 requiring the board to adopt a negative formulary of
14 ocular pharmaceutical agents certified optometrists
15 are prohibited from administering or prescribing;
16 deleting provisions relating to the topical and oral
17 ocular pharmaceutical agent formularies established by
18 the board; requiring the board to mail a copy of the
19 negative formulary to all certified optometrists and
20 licensed pharmacies under certain circumstances;
21 revising the controlled substances that certified
22 optometrists are prohibited from administering or
23 prescribing; creating s. 463.0056, F.S.; authorizing
24 certain certified optometrists to perform laser and
25 non-laser ophthalmic procedures and therapies under
26 certain circumstances; providing certification
27 requirements certified optometrists must satisfy to
28 perform such procedures and therapies; requiring the
29 board to approve the courses and examinations to be

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30 used for certification if certain conditions are met;
31 requiring the board to review and approve the
32 examination annually if certain conditions are met;
33 authorizing certified optometrists to use the board-
34 approved course and examination to satisfy their
35 continuing education requirements under certain
36 circumstances; prohibiting a certified optometrist who
37 does not complete such course and examination from
38 performing certain ophthalmic procedures; specifying
39 ophthalmic procedures that are excluded from the scope
40 of practice of optometry, with an exception; amending
41 s. 463.0057, F.S.; conforming a provision to changes
42 made by the act; amending s. 463.006, F.S.; conforming
43 provisions to changes made by the act; requiring the
44 board to determine the required content, grading
45 criteria, and passing score for the licensure
46 examination for certified optometrists; making
47 technical changes; amending s. 463.0135, F.S.;
48 authorizing certified optometrists to remove
49 superficial foreign bodies; defining the term
50 "superficial foreign bodies"; specifying circumstances
51 under which optometrists may perform procedures within
52 the practice of optometry which may otherwise be
53 considered surgery; requiring licensed practitioners
54 who are not certified optometrists to display in their
55 practices a sign containing specified information;
56 amending s. 463.014, F.S.; deleting a prohibition on
57 surgery performed by certified optometrists to conform
58 to changes made by the act; amending ss. 463.009 and

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59 641.31, F.S.; conforming cross-references; providing
60 an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Section 463.002, Florida Statutes, is reordered
65 and amended to read:

66 463.002 Definitions.—As used in this chapter, the term:

67 (2)~~(1)~~ "Board" means the Board of Optometry.

68 (5)~~(2)~~ "Department" means the Department of Health.

69 (8)~~(3)~~~~(a)~~ "Licensed practitioner" means a person who is a
70 primary health care provider licensed to engage in the practice
71 of optometry under the authority of this chapter. With respect
72 to persons initially licensed under this chapter after July 1,
73 1993, the term includes only certified optometrists.

74 ~~(b) A licensed practitioner who is not a certified~~
75 ~~optometrist shall be required to display at her or his place of~~
76 ~~practice a sign which states, "I am a Licensed Practitioner, not~~
77 ~~a Certified Optometrist, and I am not able to prescribe ocular~~
78 ~~pharmaceutical agents."~~

79 ~~(c) All practitioners initially licensed after July 1,~~
80 ~~1993, must be certified optometrists.~~

81 (3)~~(4)~~ "Certified optometrist" or "certified optometric
82 physician" means a licensed practitioner authorized by the board
83 to administer and prescribe ocular pharmaceutical agents.

84 (9)~~(5)~~ "Ocular pharmaceutical agent" means a pharmaceutical
85 agent that is administered or prescribed ~~topically or orally~~ for
86 the diagnosis or treatment of ocular conditions of the human eye
87 and its appendages ~~without the use of surgery or other invasive~~

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88 techniques.

89 ~~(13)(6)~~ "Surgery" means a procedure using an instrument,
90 including a laser, scalpel, or needle, in which human tissue is
91 cut, burned, scraped except as provided in s. 463.0135(12) ~~s.~~
92 ~~463.014(4)~~, or vaporized, by incision, injection, ultrasound,
93 laser, infusion, cryotherapy, or radiation. The term includes a
94 procedure using an instrument which requires the closure of
95 human tissue by suture, clamp, or other such device.

96 ~~(11)(7)~~ "Optometry" means the diagnosis, evaluation,
97 treatment, and management of conditions of the human eye and its
98 appendages, including any visual, muscular, neurological, or
99 anatomical anomalies and chronic systemic conditions relating to
100 the eye; the determination of the refractive powers of the human
101 eye; and the prescribing and employment of any objective or
102 subjective means or methods, including the administration of
103 ocular pharmaceutical agents, contact lenses, spectacle lenses,
104 magnification lenses, vision therapy, low vision rehabilitation
105 devices, and ophthalmic procedures and therapy, for the
106 diagnosis, evaluation, correction, remedy, treatment,
107 management, or relief of any insufficiency, anomaly,
108 abnormality, or disease condition relating to the human eye or
109 its appendages for the purpose of determining the refractive
110 powers of the human eyes, or any visual, muscular, neurological,
111 or anatomic anomalies of the human eyes and their appendages;
112 and the prescribing and employment of lenses, prisms, frames,
113 mountings, contact lenses, orthoptic exercises, light
114 frequencies, and any other means or methods, including ocular
115 pharmaceutical agents, for the correction, remedy, or relief of
116 any insufficiencies or abnormal conditions of the human eyes and

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117 ~~their appendages.~~

118 (6)~~(8)~~ "Direct supervision" means supervision to an extent
119 that the licensee remains on the premises while all procedures
120 are being done and gives final approval to any procedures
121 performed by an employee.

122 (7)~~(9)~~ "General supervision" means the responsible
123 supervision of supportive personnel by a licensee who need not
124 be present when such procedures are performed, but who assumes
125 legal liability therefor. Except in cases of emergency, "general
126 supervision" shall require the easy availability or physical
127 presence of the licensee for consultation with and direction of
128 the supportive personnel.

129 (1)~~(10)~~ "Appendages" means the eyelids, the eyebrows, the
130 conjunctiva, and the lacrimal apparatus.

131 (14)~~(11)~~ "Transcript-quality" means a course that ~~which~~ is
132 in conjunction with or sponsored by a school or college of
133 optometry or equivalent educational entity, which course is
134 approved by the board and requires a test and passing grade.

135 (4)~~(12)~~ "Clock hours" means the actual time engaged in
136 approved coursework and clinical training.

137 (10) "Optometrist certified in ophthalmic procedures" means
138 a certified optometrist who is authorized under s. 463.0056 to
139 perform board-approved laser and non-laser ophthalmic procedures
140 and therapy in accordance with that section.

141 (12) "Refraction" means the use of lenses and ocular
142 pharmaceutical agents during the course of a comprehensive
143 medical eye examination to determine a patient's visual,
144 neurological, and physical requirements to attain optimal visual
145 and perceptual performance.

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146 Section 2. Subsections (2) and (4) of section 463.003,
147 Florida Statutes, are amended to read:

148 463.003 Board of Optometry.—

149 (2) Five members of the board must be certified
150 optometrists or optometrists certified in ophthalmic procedures
151 ~~licensed practitioners~~ actively practicing in this state. The
152 remaining two members must be citizens of this ~~the~~ state who are
153 not, and have never been, licensed practitioners and who are in
154 no way connected with the practice of optometry or with any
155 vision-oriented profession or business. At least one member of
156 the board must be 60 years of age or older.

157 (4) All applicable provisions of chapter 456 relating to
158 activities of regulatory boards which do not conflict with this
159 chapter shall apply.

160 Section 3. Subsection (1) of section 463.005, Florida
161 Statutes, is amended to read:

162 463.005 Authority of the board.—

163 (1) The Board of Optometry shall ~~has authority to~~ adopt
164 rules pursuant to ss. 120.536(1) and 120.54 to implement the
165 provisions of this chapter conferring duties upon it. Such rules
166 must ~~shall~~ include, but need not be limited to, rules relating
167 to all of the following:

168 (a) Standards of practice, including, but not limited to,
169 those provided ~~for~~ in s. 463.0135.

170 (b) Minimum equipment that ~~which~~ a licensed practitioner
171 must ~~shall~~ at all times possess to engage in the practice of
172 optometry.

173 (c) Minimum procedures that ~~which shall~~ constitute a visual
174 examination.

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175 (d) Procedures for the safekeeping and transfer of
176 prescription files or case records ~~upon the discontinuance of~~
177 ~~practice.~~

178 (e) Supervision of supportive personnel.

179 (f) Courses and procedures for continuing education.

180 (g) Practices and procedures for the administration and
181 prescription of ocular pharmaceutical agents.

182 (h) Laser and non-laser ophthalmic procedures and therapies
183 an optometrist certified in ophthalmic procedures may perform,
184 including, but not limited to, the standards of practice for
185 such ophthalmic procedures and therapies.

186 (i) The scope of practice of optometry consistent with this
187 chapter.

188 (j) Required content, grading criteria, and passing scores
189 for the licensure examinations set forth in s. 463.006.

190 Section 4. Section 463.0055, Florida Statutes, is amended
191 to read:

192 463.0055 Administration and prescription of ocular
193 pharmaceutical agents.—

194 (1) ~~(a)~~ Certified optometrists may administer and prescribe
195 ocular pharmaceutical agents as provided in this section for the
196 diagnosis and treatment of ocular conditions of the human eye
197 and its appendages ~~without the use of surgery or other invasive~~
198 ~~techniques.~~ However, a licensed practitioner who is not
199 certified may use topically applied anesthetics solely for the
200 purpose of glaucoma examinations, but is otherwise prohibited
201 from administering or prescribing ocular pharmaceutical agents.

202 ~~(b) Before a certified optometrist may administer or~~
203 ~~prescribe oral ocular pharmaceutical agents, the certified~~

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204 ~~optometrist must provide proof to the department of successful~~
205 ~~completion of a course and subsequent examination, approved by~~
206 ~~the board, on general and ocular pharmaceutical agents and the~~
207 ~~side effects of those agents. The course shall consist of 20~~
208 ~~contact hours, all of which may be web-based. The first course~~
209 ~~and examination shall be presented by October 1, 2013, and shall~~
210 ~~be administered at least annually thereafter. The course and~~
211 ~~examination shall be developed and offered jointly by a~~
212 ~~statewide professional association of physicians in this state~~
213 ~~accredited to provide educational activities designated for the~~
214 ~~American Medical Association Physician's Recognition Award (AMA~~
215 ~~PRA) Category 1 credit and a statewide professional association~~
216 ~~of licensed practitioners which provides board-approved~~
217 ~~continuing education on an annual basis. The board shall review~~
218 ~~and approve the content of the initial course and examination if~~
219 ~~the board determines that the course and examination adequately~~
220 ~~and reliably satisfy the criteria set forth in this section. The~~
221 ~~board shall thereafter annually review and approve the course~~
222 ~~and examination if the board determines that the content~~
223 ~~continues to adequately and reliably satisfy the criteria set~~
224 ~~forth in this section. Successful completion of the board-~~
225 ~~approved course and examination may be used by a certified~~
226 ~~optometrist to satisfy 20 hours of the continuing education~~
227 ~~requirements in s. 463.007(3), only for the biennial period in~~
228 ~~which the board-approved course and examination are taken. If a~~
229 ~~certified optometrist does not complete a board-approved course~~
230 ~~and examination under this section, the certified optometrist is~~
231 ~~only authorized to administer and prescribe topical ocular~~
232 ~~pharmaceutical agents.~~

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233 (2) ~~(a)~~ The board shall establish a negative formulary of
234 ~~topical~~ ocular pharmaceutical agents that a certified
235 optometrist may not administer or prescribe ~~be prescribed and~~
236 ~~administered by a certified optometrist. The formulary shall~~
237 ~~consist of those topical ocular pharmaceutical agents that are~~
238 ~~appropriate to treat or diagnose ocular diseases and disorders~~
239 ~~and that the certified optometrist is qualified to use in the~~
240 ~~practice of optometry. The board shall establish, add to, delete~~
241 ~~from, or modify the topical formulary by rule. Notwithstanding~~
242 ~~any provision of chapter 120 to the contrary, the topical~~
243 ~~formulary rule becomes effective 60 days from the date it is~~
244 ~~filed with the Secretary of State.~~

245 ~~(b) The formulary may be added to, deleted from, or~~
246 ~~modified according to the procedure described in paragraph (a).~~
247 ~~Any person who requests an addition, deletion, or modification~~
248 ~~of an authorized topical ocular pharmaceutical agent shall have~~
249 ~~the burden of proof to show cause why such addition, deletion,~~
250 ~~or modification should be made.~~

251 ~~(c) The State Surgeon General shall have standing to~~
252 ~~challenge any rule or proposed rule of the board pursuant to s.~~
253 ~~120.56. In addition to challenges for any invalid exercise of~~
254 ~~delegated legislative authority, the administrative law judge,~~
255 ~~upon such a challenge by the State Surgeon General, may declare~~
256 ~~all or part of a rule or proposed rule invalid if it:~~

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

259 ~~2. Unreasonably restricts competition or the availability~~
260 ~~of professional services in the state or in a significant part~~
261 ~~of the state; or~~

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262 ~~3. Unnecessarily increases the cost of professional~~
263 ~~services without a corresponding or equivalent public benefit.~~

264
265 ~~However, there shall not be created a presumption of the~~
266 ~~existence of any of the conditions cited in this subsection in~~
267 ~~the event that the rule or proposed rule is challenged.~~

268 ~~(d) Upon adoption of the negative formulary required by~~
269 ~~this section, and upon each addition, deletion, or modification~~
270 ~~to the formulary, the board shall mail a copy of the amended~~
271 ~~formulary to each certified optometrist and to each pharmacy~~
272 ~~licensed by the state.~~

273 ~~(3) In addition to the formulary of topical ocular~~
274 ~~pharmaceutical agents established by rule of the board, there is~~
275 ~~created a statutory formulary of oral ocular pharmaceutical~~
276 ~~agents, which includes the following agents:~~

277 ~~(a) The following analgesics or their generic or~~
278 ~~therapeutic equivalents, which may not be administered or~~
279 ~~prescribed for more than 72 hours without consultation with a~~
280 ~~physician licensed under chapter 458 or chapter 459 who is~~
281 ~~skilled in diseases of the eye:~~

282 ~~1. Tramadol hydrochloride.~~

283 ~~2. Acetaminophen 300 mg with No. 3 codeine phosphate 30 mg.~~

284 ~~(b) The following antibiotics or their generic or~~
285 ~~therapeutic equivalents:~~

286 ~~1. Amoxicillin with or without clavulanic acid.~~

287 ~~2. Azithromycin.~~

288 ~~3. Erythromycin.~~

289 ~~4. Dicloxacillin.~~

290 ~~5. Doxycycline/Tetracycline.~~

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291 ~~6. Keflex.~~

292 ~~7. Minocycline.~~

293 ~~(c) The following antivirals or their generic or~~
294 ~~therapeutic equivalents:~~

295 ~~1. Acyclovir.~~

296 ~~2. Famciclovir.~~

297 ~~3. Valacyclovir.~~

298 ~~(d) The following oral anti-glaucoma agents or their~~
299 ~~generic or therapeutic equivalents, which may not be~~
300 ~~administered or prescribed for more than 72 hours:~~

301 ~~1. Acetazolamide.~~

302 ~~2. Methazolamide.~~

303

304 ~~Any oral ocular pharmaceutical agent that is listed in the~~
305 ~~statutory formulary set forth in this subsection and that is~~
306 ~~subsequently determined by the United States Food and Drug~~
307 ~~Administration to be unsafe for administration or prescription~~
308 ~~shall be considered to have been deleted from the formulary of~~
309 ~~oral ocular pharmaceutical agents. The oral ocular~~
310 ~~pharmaceutical agents on the statutory formulary set forth in~~
311 ~~this subsection may not otherwise be deleted by the board, the~~
312 ~~department, or the State Surgeon General.~~

313 ~~(3)~~(4) A certified optometrist shall be issued a prescriber
314 number by the board. Any prescription written by a certified
315 optometrist for an ocular pharmaceutical agent pursuant to this
316 section shall have the prescriber number printed thereon. A
317 certified optometrist may not administer or prescribe any of the
318 following:

319 (a) A controlled substance listed in Schedule II, Schedule

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320 III, Schedule IV, or Schedule V of s. 893.03, except for an oral
321 analgesic ~~placed on the formulary pursuant to this section~~ for
322 the relief of pain due to ocular conditions of the eye and its
323 appendages.

324 (b) A controlled substance for the treatment of chronic
325 nonmalignant pain as defined in s. 456.44(1)(f).

326 Section 5. Section 463.0056, Florida Statutes, is created
327 to read:

328 463.0056 Ophthalmic Procedures.-

329 (1) (a) An optometrist certified in ophthalmic procedures
330 may perform laser and non-laser ophthalmic procedures and
331 therapies as authorized by the board but may not perform an
332 ophthalmic procedure or therapy that requires preoperative
333 medications or drug-induced alteration of consciousness.
334 However, an optometrist certified in ophthalmic procedures may
335 use medication for minimal tranquilization of the patient and
336 local or topical anesthesia if the chances of complications
337 requiring hospitalization of the patient as a result are remote.

338 (b) To be certified to perform ophthalmic procedures, a
339 certified optometrist must first provide proof to the department
340 of successful completion of a course and subsequent examination,
341 approved by the board, on laser and non-laser ophthalmic
342 procedures and therapy. The course and examination shall be
343 developed and offered jointly by a statewide professional
344 association of physicians in this state accredited to provide
345 educational activities designated for the American Medical
346 Association Physician's Recognition Award Category 1 credit and
347 a statewide professional association of licensed practitioners
348 which provides board-approved continuing education on an annual

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349 basis. The board shall review and approve the content of the
350 initial course and examination if the board determines that the
351 course and examination adequately and reliably satisfy the
352 criteria set forth in this section. The board shall thereafter
353 annually review and approve the examination if the board
354 determines that the content continues to adequately and reliably
355 satisfy the criteria set forth in this section. Successful
356 completion of the board-approved course and examination may be
357 used by a certified optometrist to satisfy the continuing
358 education requirements in s. 463.007(3) only for the biennial
359 period in which the board-approved course and examination are
360 taken. If a certified optometrist does not complete a board-
361 approved course and examination under this section, the
362 certified optometrist may not perform ophthalmic procedures
363 described in paragraph (a).

364 (2) The following ophthalmic procedures are excluded from
365 the scope of practice of optometry, except for the preoperative
366 and postoperative care of these procedures:

367 (a) Laser vision correction, penetrating keratoplasty, and
368 corneal or lamellar keratoplasty.

369 (b) Laser of the vitreous chamber or retina of the eye to
370 treat any vitreomacular or retinal disease.

371 (c) Surgery of the eyelid for suspected eyelid malignancies
372 or for incisional cosmetic or mechanical repair of
373 blepharochalasis, ptosis, or tarsorrhaphy.

374 (d) Surgery of the boney orbit, including, but not limited
375 to, orbital implants or removal of the human eye.

376 (e) Incisional or excisional surgery of the lacrimal system
377 other than lacrimal probing or related procedures.

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378 (f) Surgery requiring full thickness incision or excision
379 of the cornea or sclera other than paracentesis in an emergency
380 situation requiring immediate reduction of elevated pressure
381 inside the eye.

382 (g) Surgery requiring incision or excision by scalpel of
383 the iris and ciliary body, including, but not limited to, iris
384 diathermy or cryotherapy.

385 (h) Surgery requiring incision or excision of the vitreous
386 or retina.

387 (i) Surgery requiring incision or excision of the
388 crystalline lens or an intraocular prosthetic implant.

389 (j) Surgery involving incision or excision of the
390 extraocular muscles.

391 (k) Surgery requiring full thickness conjunctivoplasty with
392 graft or flap.

393 (l) Pterygium surgery.

394 (m) Any other procedure or therapy the board deems
395 appropriate.

396 Section 6. Subsection (3) of section 463.0057, Florida
397 Statutes, is amended to read:

398 463.0057 Optometric faculty certificate.—

399 (3) The holder of a faculty certificate may engage in the
400 practice of optometry as permitted by this section but may not
401 administer or prescribe topical ocular pharmaceutical agents
402 unless the certificateholder has satisfied the requirements of
403 s. 463.006(1)(e) and (f). ~~If a certificateholder wishes to~~
404 ~~administer or prescribe oral ocular pharmaceutical agents, the~~
405 ~~certificateholder must also satisfy the requirements of s.~~
406 ~~463.0055(1)(b).~~

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407 Section 7. Section 463.006, Florida Statutes, is amended to
408 read:

409 463.006 Licensure and certification by examination.—

410 (1) Any person desiring to be a certified optometrist
411 ~~licensed practitioner~~ pursuant to this chapter must apply to the
412 department and must submit proof to the department that she or
413 he:

414 (a) Has completed the application forms as required by the
415 board, remitted an application fee for certification not to
416 exceed \$250, remitted an examination fee for certification not
417 to exceed \$250, and remitted an examination fee for licensure
418 not to exceed \$325, all as set by the board.

419 (b) Is at least 18 years of age.

420 (c) Has graduated from an accredited school or college of
421 optometry approved by rule of the board.

422 (d) Is of good moral character.

423 (e) Has successfully completed at least 110 hours of
424 transcript-quality coursework and clinical training in general
425 and ocular pharmacology as determined by the board, at an
426 institution that:

427 1. Has facilities for both didactic and clinical
428 instructions in pharmacology; and

429 2. Is accredited by a regional or professional accrediting
430 organization that is recognized and approved by the Commission
431 on Recognition of Postsecondary Accreditation or the United
432 States Department of Education.

433 (f) Has completed at least 1 year of supervised experience
434 in differential diagnosis of eye disease or disorders as part of
435 the optometric training or in a clinical setting as part of the

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436 optometric experience.

437 (2) The board shall approve a licensure examination
438 consisting of the appropriate subjects and including applicable
439 state laws and rules and general and ocular pharmacology with
440 emphasis on the use and side effects of ocular pharmaceutical
441 agents. The board may by rule substitute a national examination
442 as part or all of the examination and, notwithstanding chapter
443 456, may by rule offer a practical examination in addition to a
444 written examination. The board shall determine the required
445 content, grading criteria, and passing score for the licensure
446 examination.

447 (3) Each applicant who submits proof satisfactory to the
448 board that he or she has met the requirements of subsection (1),
449 who successfully passes the licensure examination within 3 years
450 before the date of application or within 3 years after the
451 submission of an application, and who otherwise meets the
452 requirements of this chapter is entitled to be licensed as a
453 certified optometrist practitioner ~~and to be certified to~~
454 ~~administer and prescribe ocular pharmaceutical agents in the~~
455 ~~diagnosis and treatment of ocular conditions.~~

456 Section 8. Subsections (12) and (13) are added to section
457 463.0135, Florida Statutes, to read:

458 463.0135 Standards of practice.—

459 (12) Certified optometrists may remove superficial foreign
460 bodies. For the purpose of this subsection, the term
461 "superficial foreign bodies" means any foreign matter that is
462 embedded in the conjunctiva or cornea but that has not
463 penetrated the globe. Notwithstanding the definition of surgery
464 in s. 463.002, a certified optometrist may provide any

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465 optometric care within the practice of optometry as defined in
466 s. 463.002, including, but not limited to, removing an eyelash
467 by epilation, probing an uninflamed tear duct in a patient 18
468 years of age or older, blocking the puncta by plug, or
469 superficial scraping for the purpose of removing damaged
470 epithelial tissue or superficial foreign bodies or taking a
471 culture of the surface of the cornea or conjunctiva.

472 (13) A licensed practitioner who is not a certified
473 optometrist is required to display at her or his place of
474 practice a sign that states, "I am a Licensed Practitioner, not
475 a Certified Optometrist, and I am not able to prescribe ocular
476 pharmaceutical agents or perform ophthalmic procedures."

477 Section 9. Subsection (4) of section 463.014, Florida
478 Statutes, is amended to read:

479 463.014 Certain acts prohibited.-

480 ~~(4) Surgery of any kind is expressly prohibited. Certified~~
481 ~~optometrists may remove superficial foreign bodies. For the~~
482 ~~purposes of this subsection, the term "superficial foreign~~
483 ~~bodies" means any foreign matter that is embedded in the~~
484 ~~conjunctiva or cornea but that has not penetrated the globe.~~
485 ~~Notwithstanding the definition of surgery as provided in s.~~
486 ~~463.002(6), a certified optometrist is not prohibited from~~
487 ~~providing any optometric care within the practice of optometry~~
488 ~~as defined in s. 463.002(7), such as removing an eyelash by~~
489 ~~epilation, probing an uninflamed tear duct in a patient 18 years~~
490 ~~of age or older, blocking the puncta by plug, or superficial~~
491 ~~scraping for the purpose of removing damaged epithelial tissue~~
492 ~~or superficial foreign bodies or taking a culture of the surface~~
493 ~~of the cornea or conjunctiva.~~

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494 Section 10. Section 463.009, Florida Statutes, is amended
495 to read:

496 463.009 Supportive personnel.—No person other than a
497 licensed practitioner may engage in the practice of optometry as
498 defined in s. 463.002 ~~s. 463.002(7)~~. Except as provided in this
499 section, under no circumstances shall nonlicensed supportive
500 personnel be delegated diagnosis or treatment duties; however,
501 such personnel may perform data gathering, preliminary testing,
502 prescribed visual therapy, and related duties under the direct
503 supervision of the licensed practitioner. Nonlicensed personnel,
504 who need not be employees of the licensed practitioner, may
505 perform ministerial duties, tasks, and functions assigned to
506 them by and performed under the general supervision of a
507 licensed practitioner, including obtaining information from
508 consumers for the purpose of making appointments for the
509 licensed practitioner. The licensed practitioner shall be
510 responsible for all delegated acts performed by persons under
511 her or his direct and general supervision.

512 Section 11. Subsection (19) of section 641.31, Florida
513 Statutes, is amended to read:

514 641.31 Health maintenance contracts.—

515 (19) Notwithstanding any other provision of law, health
516 maintenance policies or contracts which provide coverage,
517 benefits, or services as described in s. 463.002 ~~s. 463.002(7)~~,
518 shall offer to the subscriber the services of an optometrist
519 licensed pursuant to chapter 463.

520 Section 12. This act shall take effect July 1, 2021.