

1                   A bill to be entitled  
2           An act relating to the practice of optometry; amending  
3           s. 463.002, F.S.; specifying that a certified  
4           optometrist is authorized to administer and prescribe  
5           pharmaceutical agents; amending s. 463.005, F.S.;  
6           authorizing the Board of Optometry to adopt rules  
7           relating to the administration and prescription of  
8           ocular pharmaceutical agents; amending s. 463.0055,  
9           F.S.; requiring a certified optometrist to complete a  
10          course and examination on general and ocular  
11          pharmaceutical agents before administering or  
12          prescribing oral ocular pharmaceutical agents;  
13          specifying the number of required course hours based  
14          on the date of licensure; requiring the Florida  
15          Medical Association and the Florida Optometric  
16          Association to jointly develop and administer the  
17          course and examination; revising provisions relating  
18          to the development of a formulary of pharmaceutical  
19          agents; amending s. 463.0057, F.S.; prohibiting the  
20          holder of an optometric faculty certificate from  
21          administering or prescribing ocular pharmaceutical  
22          agents; amending s. 463.006, F.S.; revising provisions  
23          relating to licensure and certification of  
24          optometrists; amending s. 463.0135, F.S.; authorizing  
25          a certified optometrist to perform certain eye  
26          examinations; amending s. 463.014, F.S.; prohibiting a  
27          licensed practitioner of optometry from providing any  
28          drug for the purpose of treating a systemic disease;

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

44 |

45 | Be It Enacted by the Legislature of the State of Florida:

46 |

47 | Section 1. Paragraph (b) of subsection (3) and subsections  
 48 | (4) and (5) of section 463.002, Florida Statutes, are amended to  
 49 | read:

50 | 463.002 Definitions.—As used in this chapter, the term:

51 | (3)

52 | (b) A licensed practitioner who is not a certified  
 53 | optometrist shall be required to display at her or his place of  
 54 | practice a sign which states, "I am a Licensed Practitioner, not  
 55 | a Certified Optometrist, and I am not able to prescribe ~~topical~~  
 56 | ocular pharmaceutical agents."

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

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

72 Section 2. Paragraph (g) of subsection (1) of section  
73 463.005, Florida Statutes, is amended to read:

74 463.005 Authority of the board.—

75 (1) The Board of Optometry has authority to adopt rules  
76 pursuant to ss. 120.536(1) and 120.54 to implement the  
77 provisions of this chapter conferring duties upon it. Such rules  
78 shall include, but not be limited to, rules relating to:

79 (g) Administration and prescription of ~~topical~~ ocular  
80 pharmaceutical agents.

81 Section 3. Section 463.0055, Florida Statutes, is amended  
82 to read:

83 463.0055 Administration and prescription of ~~topical~~ ocular  
84 pharmaceutical agents; committee.—

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85           (1) (a) Certified optometrists may administer and prescribe  
86 ~~topical-ocular~~ pharmaceutical agents as provided in this section  
87 for the diagnosis and treatment of ocular conditions of the  
88 human eye and its appendages without the use of surgery or other  
89 invasive techniques. However, a licensed practitioner who is not  
90 certified may use topically applied anesthetics solely for the  
91 purpose of glaucoma examinations, but is otherwise prohibited  
92 from administering or prescribing ~~topical-ocular~~ pharmaceutical  
93 agents.

94           (b) Before a certified optometrist may administer or  
95 prescribe oral ocular pharmaceutical agents, the certified  
96 optometrist must complete a course and subsequent examination on  
97 general and ocular pharmaceutical agents and the side effects of  
98 those agents. For certified optometrists licensed before January  
99 1, 1990, the course shall consist of 50 contact hours and 25 of  
100 those hours shall be web-based. For certified optometrists  
101 licensed on or after January 1, 1990, the course shall consist  
102 of 20 contact hours and 10 of those hours shall be web-based.  
103 The first course and examination shall be presented by July 1,  
104 2013, and shall be administered at least annually thereafter.  
105 The Florida Medical Association and the Florida Optometric  
106 Association shall jointly develop and administer a course and  
107 examination for such purpose and jointly determine the site or  
108 sites for the course and examination.

109           (2) (a) There is ~~hereby~~ created a committee composed of two  
110 certified optometrists licensed pursuant to this chapter,  
111 appointed by the Board of Optometry, two board-certified  
112 ophthalmologists licensed pursuant to chapter 458 or chapter

113 459, appointed by the Board of Medicine, and one additional  
114 person with a doctorate degree in pharmacology who is not  
115 licensed pursuant to chapter 458, chapter 459, or this chapter,  
116 appointed by the State Surgeon General. The committee shall  
117 review requests for additions to, deletions from, or  
118 modifications of a formulary of ~~topical~~ ocular pharmaceutical  
119 agents for administration and prescription by certified  
120 optometrists and shall provide to the board advisory opinions  
121 and recommendations on such requests. The formulary shall  
122 consist of those ~~topical-ocular~~ pharmaceutical agents which are  
123 appropriate to treat and diagnose ocular diseases and disorders  
124 and which the certified optometrist is qualified to use in the  
125 practice of optometry. The board shall establish, add to, delete  
126 from, or modify the formulary by rule. Notwithstanding any  
127 provision of chapter 120 to the contrary, the formulary rule  
128 shall become effective 60 days from the date it is filed with  
129 the Secretary of State.

130 (b) The formulary may be added to, deleted from, or  
131 modified according to the procedure described in paragraph (a).  
132 Any person who requests an addition, deletion, or modification  
133 of an authorized ~~topical~~ ocular pharmaceutical agent shall have  
134 the burden of proof to show cause why such addition, deletion,  
135 or modification should be made.

136 (c) The State Surgeon General shall have standing to  
137 challenge any rule or proposed rule of the board pursuant to s.  
138 120.56. In addition to challenges for any invalid exercise of  
139 delegated legislative authority, the administrative law judge,  
140 upon such a challenge by the State Surgeon General, may declare

141 all or part of a rule or proposed rule invalid if it:

142 1. Does not protect the public from any significant and  
143 discernible harm or damages;

144 2. Unreasonably restricts competition or the availability  
145 of professional services in the state or in a significant part  
146 of the state; or

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

149

150 However, there shall not be created a presumption of the  
151 existence of any of the conditions cited in this subsection in  
152 the event that the rule or proposed rule is challenged.

153 (d) Upon adoption of the formulary required by this  
154 section, and upon each addition, deletion, or modification to  
155 the formulary, the board shall mail a copy of the amended  
156 formulary to each certified optometrist and to each pharmacy  
157 licensed by the state.

158 (3) A certified optometrist shall be issued a prescriber  
159 number by the board. Any prescription written by a certified  
160 optometrist for a ~~topical-ocular~~ pharmaceutical agent pursuant  
161 to this section shall have the prescriber number printed  
162 thereon.

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

165 463.0057 Optometric faculty certificate.—

166 (3) The holder of a faculty certificate may engage in the  
167 practice of optometry as permitted by this section, but may not  
168 administer or prescribe ~~topical~~ ocular pharmaceutical agents

169 unless the certificateholder has satisfied the requirements of  
 170 s. 463.006(1)(b)4. and 5.

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

173 463.006 Licensure and certification by examination.—

174 (2) The examination shall consist of the appropriate  
 175 subjects, including applicable state laws and rules and general  
 176 and ocular pharmacology with emphasis on the use ~~topical~~  
 177 ~~application~~ and side effects of ocular pharmaceutical agents.  
 178 The board may by rule substitute a national examination as part  
 179 or all of the examination and may by rule offer a practical  
 180 examination in addition to the written examination.

181 (3) Each applicant who successfully passes the examination  
 182 and otherwise meets the requirements of this chapter is entitled  
 183 to be licensed as a practitioner and to be certified to  
 184 administer and prescribe ~~topical-ocular~~ pharmaceutical agents in  
 185 the diagnosis and treatment of ocular conditions.

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

188 463.0135 Standards of practice.—

189 (10) A certified optometrist is authorized to perform any  
 190 eye examination, including a dilated examination, required or  
 191 authorized by chapter 548 or by rules adopted to implement that  
 192 chapter.

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

195 463.014 Certain acts prohibited.—

196 (3) Prescribing, ordering, dispensing, administering,

197 supplying, selling, or giving any drug for the purpose of  
 198 treating a systemic disease ~~systemic drugs~~ by a licensed  
 199 practitioner is prohibited.

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

202 483.035 Clinical laboratories operated by practitioners  
 203 for exclusive use; licensure and regulation.—

204 (1) A clinical laboratory operated by one or more  
 205 practitioners licensed under chapter 458, chapter 459, chapter  
 206 460, chapter 461, chapter 462, chapter 463, or chapter 466,  
 207 exclusively in connection with the diagnosis and treatment of  
 208 their own patients, must be licensed under this part and must  
 209 comply with the provisions of this part, except that the agency  
 210 shall adopt rules for staffing, for personnel, including  
 211 education and training of personnel, for proficiency testing,  
 212 and for construction standards relating to the licensure and  
 213 operation of the laboratory based upon and not exceeding the  
 214 same standards contained in the federal Clinical Laboratory  
 215 Improvement Amendments of 1988 and the federal regulations  
 216 adopted thereunder.

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

219 483.041 Definitions.—As used in this part, the term:

220 (7) "Licensed practitioner" means a physician licensed  
 221 under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, or  
 222 chapter 463; a dentist licensed under chapter 466; a person  
 223 licensed under chapter 462; or an advanced registered nurse  
 224 practitioner licensed under part I of chapter 464; or a duly



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225 licensed practitioner from another state licensed under similar  
226 statutes who orders examinations on materials or specimens for  
227 nonresidents of the State of Florida, but who reside in the same  
228 state as the requesting licensed practitioner.

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

231 483.181 Acceptance, collection, identification, and  
232 examination of specimens.—

233 (5) A clinical laboratory licensed under this part must  
234 accept a human specimen submitted for examination by a  
235 practitioner licensed under chapter 458, chapter 459, chapter  
236 460, chapter 461, chapter 462, chapter 463, s. 464.012, or  
237 chapter 466, if the specimen and test are the type performed by  
238 the clinical laboratory. A clinical laboratory may only refuse a  
239 specimen based upon a history of nonpayment for services by the  
240 practitioner. A clinical laboratory shall not charge different  
241 prices for tests based upon the chapter under which a  
242 practitioner submitting a specimen for testing is licensed.

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

245 893.02 Definitions.—The following words and phrases as  
246 used in this chapter shall have the following meanings, unless  
247 the context otherwise requires:

248 (21) "Practitioner" means a physician licensed pursuant to  
249 chapter 458, a dentist licensed pursuant to chapter 466, a  
250 veterinarian licensed pursuant to chapter 474, an osteopathic  
251 physician licensed pursuant to chapter 459, a naturopath  
252 licensed pursuant to chapter 462, a certified optometrist

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253 | licensed pursuant to chapter 463, or a podiatric physician  
254 | licensed pursuant to chapter 461, provided such practitioner  
255 | holds a valid federal controlled substance registry number.

256 | Section 12. Subsection (1) of section 893.05, Florida  
257 | Statutes, is amended to read:

258 | 893.05 Practitioners and persons administering controlled  
259 | substances in their absence.—

260 | (1) A practitioner, in good faith and in the course of his  
261 | or her professional practice only, may prescribe, administer,  
262 | dispense, mix, or otherwise prepare a controlled substance, or  
263 | the practitioner may cause the same to be administered by a  
264 | licensed nurse or an intern practitioner under his or her  
265 | direction and supervision only. A veterinarian may so prescribe,  
266 | administer, dispense, mix, or prepare a controlled substance for  
267 | use on animals only, and may cause it to be administered by an  
268 | assistant or orderly under the veterinarian's direction and  
269 | supervision only. A certified optometrist licensed under chapter  
270 | 463 may not administer or prescribe pharmaceutical agents listed  
271 | in Schedule I or Schedule II of s. 893.03.

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