

By Representatives Kelly, Ogles and Jones

1 A bill to be entitled
2 An act relating to optometry; amending s.
3 463.002, F.S.; revising definitions; amending
4 s. 463.005, F.S.; revising requirements
5 relating to rules of the Board of Optometry;
6 amending s. 463.0055, F.S.; authorizing
7 administration and prescription of
8 pharmaceutical agents within the scope and
9 standards of optometric practice as established
10 by the board by rule and providing requirements
11 with respect thereto; amending ss. 463.0057,
12 463.006, and 463.009, F.S., relating to
13 optometric faculty certificates, licensure and
14 certification by examination, and supportive
15 personnel, to conform; amending s. 463.0135,
16 F.S.; clarifying scope of optometric practice;
17 amending s. 463.014, F.S.; eliminating the
18 prohibition against the prescribing, ordering,
19 dispensing, administering, supplying, selling,
20 or giving of systemic drugs, to conform;
21 eliminating the prohibition against the use of
22 laser technology and authorizing such use
23 within the scope and standards of optometric
24 practice as established by the board by rule;
25 providing an effective date.

26

27 Be It Enacted by the Legislature of the State of Florida:

28

29 Section 1. Subsections (3), (4), and (5) of section
30 463.002, Florida Statutes, 1998 Supplement, are amended, and
31 paragraphs (b) and (c) of subsection (3) are renumbered as

1 subsections (10) and (11) of section 463.0135, Florida
2 Statutes, to read:

3 463.002 Definitions.--As used in this chapter, the
4 term:

5 (3)~~(a)~~ "Licensed practitioner" means a person who is a
6 primary health care provider licensed to engage in the
7 practice of optometry under the authority of this chapter.

8 (4) "Certified optometrist" means a licensed
9 practitioner authorized by the board to administer and
10 prescribe ~~topical-ocular~~ pharmaceutical agents.

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

25 Section 2. Paragraphs (a) and (g) of subsection (1) of
26 section 463.005, Florida Statutes, 1998 Supplement, are
27 amended to read:

28 463.005 Authority of the board.--

29 (1) The Board of Optometry has authority to adopt
30 rules pursuant to ss. 120.536(1) and 120.54 to implement the
31

1 provisions of this chapter conferring duties upon it. Such
2 rules shall include, but not be limited to, rules relating to:

3 (a) Scope and standards of practice, including, but
4 not limited to, those provided for in s. 463.0135.

5 (g) Administration and prescription of ~~topical-ocular~~
6 pharmaceutical agents.

7 Section 3. Section 463.0055, Florida Statutes, is
8 amended to read:

9 463.0055 Administration and prescription of ~~topical~~
10 ~~ocular~~ pharmaceutical agents; committee.--

11 (1) Certified optometrists may administer and
12 prescribe ~~topical-ocular~~ pharmaceutical agents as provided in
13 this section for the diagnosis and treatment of ocular
14 conditions of the human eye and its appendages ~~without the use~~
15 ~~of surgery or other invasive techniques~~. However, a licensed
16 practitioner who is not certified may use topically applied
17 anesthetics, mydriatics, and cycloplegics solely for
18 diagnostic purposes ~~the purpose of glaucoma examinations~~, but
19 is otherwise prohibited from administering or prescribing
20 ~~topical-ocular~~ pharmaceutical agents.

21 (2)(a) There is hereby created a committee composed of
22 two optometrists licensed pursuant to this chapter, appointed
23 by the Board of Optometry, two board-certified
24 ophthalmologists licensed pursuant to chapter 458 or chapter
25 459, appointed by the Board of Medicine, and one additional
26 person with a doctorate degree in pharmacology who is not
27 licensed pursuant to chapter 458, chapter 459, or this
28 chapter, appointed by the secretary. The committee shall
29 review requests for additions to, deletions from, or
30 modifications of a formulary of ~~topical-ocular~~ pharmaceutical
31 agents for administration and prescription by certified

1 | optometrists and shall provide to the board advisory opinions
2 | and recommendations on such requests. The formulary shall
3 | consist of those ~~topical-ocular~~ pharmaceutical agents which
4 | the certified optometrist is qualified to use in the practice
5 | of optometry. The board shall establish, add to, delete from,
6 | or modify the formulary by rule. Notwithstanding any provision
7 | of chapter 120 to the contrary, the formulary rule shall
8 | become effective 60 days from the date it is filed with the
9 | Secretary of State.

10 | (b) The formulary may be added to, deleted from, or
11 | modified according to the procedure described in paragraph
12 | (a). Any person who requests an addition, deletion, or
13 | modification of an authorized ~~topical-ocular~~ pharmaceutical
14 | agent shall have the burden of proof to show cause why such
15 | addition, deletion, or modification should be made.

16 | (c) The secretary of the department shall have
17 | standing to challenge any rule or proposed rule of the board
18 | pursuant to s. 120.56. In addition to challenges for any
19 | invalid exercise of delegated legislative authority, the
20 | administrative law judge, upon such a challenge by the
21 | secretary, may declare all or part of a rule or proposed rule
22 | invalid if it:

23 | 1. Does not protect the public from any significant
24 | and discernible harm or damages;

25 | 2. Unreasonably restricts competition or the
26 | availability of professional services in the state or in a
27 | significant part of the state; or

28 | 3. Unnecessarily increases the cost of professional
29 | services without a corresponding or equivalent public benefit.

30 |
31 |

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

4 (d) Upon adoption of the formulary required by this
5 section, and upon each addition, deletion, or modification to
6 the formulary, the board shall mail a copy of the amended
7 formulary to each certified optometrist and to each pharmacy
8 licensed by the state.

9 (3) A certified optometrist shall be issued a
10 prescriber number by the board. Any prescription written by a
11 certified optometrist for a ~~topical-ocular~~ pharmaceutical
12 agent pursuant to this section shall have the prescriber
13 number printed thereon.

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

16 463.0057 Optometric faculty certificate.--

17 (3) The holder of a faculty certificate may engage in
18 the practice of optometry as permitted by this section, but
19 may not administer or prescribe ~~topical-ocular~~ pharmaceutical
20 agents unless the certificateholder has satisfied the
21 requirements of s. 463.006(1)(b)4. and 5.

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

24 463.006 Licensure and certification by examination.--

25 (2) The examination shall consist of the appropriate
26 subjects, including applicable state laws and rules and
27 general and ocular pharmacology with emphasis on the ~~topical~~
28 ~~application and~~ side effects of ~~ocular~~ pharmaceutical agents.
29 The board may by rule substitute a national examination as
30 part or all of the examination and may by rule offer a
31 practical examination in addition to the written examination.

1 (3) Each applicant who successfully passes the
2 examination and otherwise meets the requirements of this
3 chapter is entitled to be licensed as a practitioner and to be
4 certified to administer and prescribe ~~topical ocular~~
5 pharmaceutical agents in the diagnosis and treatment of ocular
6 conditions.

7 Section 6. Section 463.009, Florida Statutes, is
8 amended to read:

9 463.009 Supportive personnel.--No person other than a
10 licensed practitioner may engage in the practice of optometry
11 ~~as defined in s. 463.002(5)~~. Except as provided in this
12 section, under no circumstances shall nonlicensed supportive
13 personnel be delegated diagnosis or treatment duties; however,
14 such personnel may perform data gathering, preliminary
15 testing, prescribed visual therapy, and related duties under
16 the direct supervision of the licensed practitioner.

17 Nonlicensed personnel, who need not be employees of the
18 licensed practitioner, may perform ministerial duties, tasks,
19 and functions assigned to them by and performed under the
20 general supervision of a licensed practitioner, including
21 obtaining information from consumers for the purpose of making
22 appointments for the licensed practitioner. The licensed
23 practitioner shall be responsible for all delegated acts
24 performed by persons under her or his direct and general
25 supervision.

26 Section 7. Section 463.0135, Florida Statutes, is
27 amended to read:

28 463.0135 Scope and standards of practice.--

29 (1) A licensed practitioner shall provide that degree
30 of care which conforms to that level of care provided by
31 medical practitioners in the same or similar communities. A

1 licensed practitioner shall advise or assist her or his
2 patient in obtaining further care when the service of another
3 health care practitioner is required.

4 (2) A licensed practitioner diagnosing angle closure,
5 infantile, or congenital forms of glaucoma shall refer the
6 patient to a physician skilled in diseases of the eye and
7 licensed under chapter 458 or chapter 459.

8 (3) When an infectious corneal disease condition has
9 not responded to standard methods of treatment within the
10 scope of optometric practice, the certified optometrist shall
11 consult with a physician skilled in diseases of the eye and
12 licensed under chapter 458 or chapter 459.

13 (4) A licensed practitioner shall promptly advise a
14 patient to seek evaluation by a physician skilled in diseases
15 of the eye and licensed under chapter 458 or chapter 459 for
16 diagnosis and possible treatment whenever the licensed
17 practitioner is informed by the patient of the sudden onset of
18 spots or "floaters" with loss of all or part of the visual
19 field.

20 (5) The licensed practitioner shall routinely advise a
21 patient to immediately contact the licensed practitioner if
22 the patient experiences an adverse drug reaction.

23 (6) The licensed practitioner shall, when appropriate,
24 refer to medical specialists or facilities patients who notify
25 a licensed practitioner of an adverse drug reaction.

26 (7) The licensed practitioner shall place in a
27 patient's permanent record information describing any adverse
28 drug reaction experienced by the patient, the date of such
29 reaction, and whether any referral was made.

30 (8) The licensed practitioner shall maintain the names
31 of at least three physicians, physician clinics, or hospitals

1 to whom the licensed practitioner will refer patients who
2 experience an adverse drug reaction. At least one of these
3 physicians shall be a physician skilled in the diagnosis and
4 treatment of diseases of the eye and licensed under chapter
5 458 or chapter 459.

6 (9) A licensed practitioner who believes a patient may
7 have glaucoma shall promptly advise the patient of the serious
8 nature of glaucoma. The licensed practitioner shall place in
9 the patient's permanent record that the practitioner provided
10 such advice to the patient.

11 (10)~~(b)~~ A licensed practitioner who is not a certified
12 optometrist shall be required to display at her or his place
13 of practice a sign which states, "I am a Licensed
14 Practitioner, not a Certified Optometrist, and I am not able
15 to prescribe ~~topical ocular~~ pharmaceutical agents."

16 (11)~~(c)~~ All practitioners initially licensed after
17 July 1, 1993, must be certified optometrists.

18 (12) Any certified optometrist who has complied with
19 the provisions for licensure under this chapter is authorized
20 to utilize any means or methods to diagnose, treat, and manage
21 diseases and conditions of the human eye and its appendages
22 for which she or he is qualified by training and education to
23 utilize, within the scope and standards of optometric practice
24 as established by the board by rule.

25 Section 8. Section 463.014, Florida Statutes, is
26 amended to read:

27 463.014 Certain acts prohibited.--

28 (1)(a) No corporation, lay body, organization, or
29 individual other than a licensed practitioner shall engage in
30 the practice of optometry through the means of engaging the
31 services, upon a salary, commission, or other means or

1 inducement, of any person licensed to practice optometry in
2 this state. Nothing in this section shall be deemed to
3 prohibit the association of a licensed practitioner with a
4 multidisciplinary group of licensed health care professionals,
5 the primary objective of which is the diagnosis and treatment
6 of the human body.

7 (b) No licensed practitioner shall engage in the
8 practice of optometry with any corporation, organization,
9 group, or lay individual. This provision shall not prohibit
10 licensed practitioners from employing, or from forming
11 partnerships or professional associations with, licensed
12 practitioners licensed in this state or with other licensed
13 health care professionals, the primary objective of whom is
14 the diagnosis and treatment of the human body.

15 (c) No rule of the board shall forbid the practice of
16 optometry in or on the premises of a commercial or mercantile
17 establishment.

18 (d) No licensed practitioner may practice under
19 practice identification names, trade names, or service names,
20 unless any dissemination of information by the practitioner to
21 consumers contains the name under which the practitioner is
22 licensed or that of the professional association in which the
23 practitioner participates. Any advertisement or other
24 dissemination of information to consumers may contain factual
25 information as to the geographic location of licensed
26 practitioners or of the availability of optometric services.

27 (e) No licensed practitioner shall adopt and publish
28 or cause to be published any practice identification name,
29 trade name, or service name which is, contains, or is intended
30 to serve as an affirmation of the quality or competitive value
31

1 of the optometric services provided at the identified
2 practice.

3 (2) A corporation or labor organization may employ
4 licensed practitioners to provide optometric services to bona
5 fide employees of such corporation and members of their
6 immediate families or to bona fide members of such labor
7 organization and members of their immediate families, provided
8 the provision of such services is incidental to the legitimate
9 business of such corporation or labor organization. Nothing in
10 this section shall be deemed to authorize the employment of
11 licensed practitioners by corporations or organizations formed
12 primarily for such purposes.

13 ~~(3) Prescribing, ordering, dispensing, administering,~~
14 ~~supplying, selling, or giving any systemic drugs by a licensed~~
15 ~~practitioner is prohibited.~~

16 (3)(4) Surgery of any kind, including the use of
17 lasers, is expressly prohibited; however, this shall not be
18 construed to prohibit the use of laser technology within the
19 scope and standards of optometric practice as established by
20 the board by rule. Certified optometrists may remove
21 superficial foreign bodies. For the purposes of this
22 subsection, the term "superficial foreign bodies" means any
23 foreign matter that is embedded in the conjunctiva or cornea
24 but which has not penetrated the globe.

25 (4)(5) No rule of the board shall prohibit a licensed
26 practitioner from authorizing a board-certified optician to
27 fill, fit, adapt, or dispense a contact lens prescription as
28 authorized under chapter 484.

29 Section 9. This act shall take effect October 1, 1999.
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Revises various provisions of ch. 463, F.S., relating to optometry practice. Authorizes administration and prescription of pharmaceutical agents and provides requirements with respect thereto. Authorizes certified optometrists to use any means or methods to diagnose, treat, and manage diseases and conditions of the human eye and its appendages for which they are qualified by training and education to use, within the scope and standards of optometric practice as established by the Board of Optometry by rule. Revises definitions, requirements relating to rules of the board, and provisions relating to optometric faculty certificates, licensure and certification by examination, and supportive personnel, to conform. Eliminates the prohibition against the prescribing, ordering, dispensing, administering, supplying, selling, or giving of systemic drugs, to conform. Eliminates the prohibition against the use of laser technology and authorizes such use within the scope and standards of optometric practice as established by the board by rule. See bill for details.