

By Representative Healey

1 A bill to be entitled
2 An act relating to optometry; amending s.
3 463.002, F.S.; revising definitions; providing
4 that the practice of optometry includes the
5 diagnosis, treatment, and management of
6 diseases and conditions of the human eye and
7 its appendages; amending s. 463.005, F.S.;
8 requiring the Board of Optometry in
9 implementing ch. 463, F.S., the Optometry
10 Practice Act, to adopt rules relating to scope
11 and standards of practice; amending s.
12 463.0055, F.S.; authorizing administration and
13 prescription of pharmaceutical agents within
14 the scope and standards of optometric practice
15 as established by the board by rule and
16 providing requirements with respect thereto;
17 authorizing licensed practitioners to use
18 mydriatics and cycloplegics for diagnostic
19 purposes; revising duties of the pharmaceutical
20 agent formulary committee; eliminating
21 provisions relating to the effective date of
22 the formulary rule and to challenges by the
23 Secretary of Health to rules or proposed rules
24 of the board; amending ss. 463.0057, 463.006,
25 and 463.009, F.S., relating to optometric
26 faculty certificates, licensure and
27 certification by examination, and supportive
28 personnel, to conform; amending s. 463.014,
29 F.S.; eliminating a provision that prohibits a
30 licensed practitioner from prescribing,
31 ordering, dispensing, administering, supplying,

1 selling, or giving systemic drugs; providing an
2 effective date.

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

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6 Section 1. Subsections (3), (4), and (5) of section
7 463.002, Florida Statutes, are amended to read:

8 463.002 Definitions.--As used in this chapter, the
9 term:

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

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

18 (c) All practitioners initially licensed after July 1,
19 1993, must be certified optometrists.

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

23 (5) "Optometry" means the diagnosis, treatment, and
24 management of diseases and conditions of the human eye and its
25 appendages; the employment of any objective or subjective
26 means or methods, including the administration of ~~topical~~
27 ~~ocular~~ pharmaceutical agents, for the purpose of determining
28 the refractive powers of the human eyes, or any visual,
29 muscular, neurological, or anatomic anomalies of the human
30 eyes and their appendages; and the prescribing and employment
31 of lenses, prisms, frames, mountings, contact lenses,

1 orthoptic exercises, light frequencies, and any other means or
2 methods, including ~~topical-ocular~~ pharmaceutical agents, for
3 the correction, remedy, treatment, management, or relief of
4 any insufficiencies, diseases, or abnormal conditions of the
5 human eyes and their appendages.

6 Section 2. Paragraphs (a) and (g) of subsection (1) of
7 section 463.005, Florida Statutes, are amended to read:

8 463.005 Authority of the board.--

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

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

15 (g) Administration and prescription of ~~topical-ocular~~
16 pharmaceutical agents.

17 Section 3. Section 463.0055, Florida Statutes, is
18 amended to read:

19 463.0055 Administration and prescription of ~~topical~~
20 ~~ocular~~ pharmaceutical agents; committee.--

21 (1) Certified optometrists may administer and
22 prescribe ~~topical-ocular~~ pharmaceutical agents as provided in
23 this section for the diagnosis, and treatment, and management
24 of diseases and ~~ocular~~ conditions of the human eye and its
25 appendages without the use of surgery or other invasive
26 techniques. However, a licensed practitioner who is not
27 certified may use topically applied anesthetics, mydriatics,
28 and cycloplegics solely for diagnostic purposes ~~the purpose of~~
29 ~~glaucoma examinations,~~ but is otherwise prohibited from
30 administering or prescribing ~~topical-ocular~~ pharmaceutical
31 agents.

1 (2)(a) There is hereby created a committee composed of
2 two optometrists licensed pursuant to this chapter, appointed
3 by the Board of Optometry, two board-certified
4 ophthalmologists licensed pursuant to chapter 458 or chapter
5 459, appointed by the Board of Medicine, and one additional
6 person with a doctorate degree in pharmacology who is not
7 licensed pursuant to chapter 458, chapter 459, or this
8 chapter, appointed by the secretary. The committee members
9 shall review requests for additions to, deletions from, or
10 modifications of a formulary of ~~topical ocular~~ pharmaceutical
11 agents for administration and prescription by certified
12 optometrists and may, as the committee deems appropriate,
13 ~~shall~~ provide to the board advisory opinions and
14 recommendations on such requests. The formulary shall consist
15 of those ~~topical ocular~~ pharmaceutical agents which the
16 certified optometrist is qualified to use in the practice of
17 optometry. The board shall establish, add to, delete from, or
18 modify the formulary by rule. ~~Notwithstanding any provision~~
19 ~~of chapter 120 to the contrary, the formulary rule shall~~
20 ~~become effective 60 days from the date it is filed with the~~
21 ~~Secretary of State.~~

22 (b) The formulary may be added to, deleted from, or
23 modified according to the procedure described in paragraph
24 (a). Any person who requests an addition, deletion, or
25 modification of an authorized topical ocular pharmaceutical
26 agent shall have the burden of proof to show cause why such
27 addition, deletion, or modification should be made.

28 ~~(c) The secretary of the department shall have~~
29 ~~standing to challenge any rule or proposed rule of the board~~
30 ~~pursuant to s. 120.56. In addition to challenges for any~~
31 ~~invalid exercise of delegated legislative authority, the~~

1 ~~administrative law judge, upon such a challenge by the~~
2 ~~secretary, may declare all or part of a rule or proposed rule~~
3 ~~invalid if it:~~

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

6 ~~2. Unreasonably restricts competition or the~~
7 ~~availability of professional services in the state or in a~~
8 ~~significant part of the state; or~~

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

11
12 ~~However, there shall not be created a presumption of the~~
13 ~~existence of any of the conditions cited in this subsection in~~
14 ~~the event that the rule or proposed rule is challenged.~~

15 (c)~~(d)~~ Upon adoption of the formulary required by this
16 section, and upon each addition, deletion, or modification to
17 the formulary, the board shall mail a copy of the amended
18 formulary to each certified optometrist and to each pharmacy
19 licensed by the state.

20 (3) A certified optometrist shall be issued a
21 prescriber number by the board. Any prescription written by a
22 certified optometrist for a ~~topical-ocular~~ pharmaceutical
23 agent pursuant to this section shall have the prescriber
24 number printed thereon.

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

27 463.0057 Optometric faculty certificate.--

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

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

5 463.006 Licensure and certification by examination.--

6 (2) The examination shall consist of the appropriate
7 subjects, including applicable state laws and rules and
8 general and ocular pharmacology with emphasis on the ~~topical~~
9 ~~application~~ and side effects of ocular pharmaceutical agents.
10 The board may by rule substitute a national examination as
11 part or all of the examination and may by rule offer a
12 practical examination in addition to the written examination.

13 (3) Each applicant who successfully passes the
14 examination and otherwise meets the requirements of this
15 chapter is entitled to be licensed as a practitioner and to be
16 certified to administer and prescribe ~~topical ocular~~
17 pharmaceutical agents in the diagnosis, ~~and~~ treatment, and
18 management of diseases and ocular conditions of the human eye
19 and its appendages as provided in s. 463.0055.

20 Section 6. Section 463.009, Florida Statutes, is
21 amended to read:

22 463.009 Supportive personnel.--No person other than a
23 licensed practitioner may engage in the practice of optometry
24 ~~as defined in s. 463.002(5).~~ Except as provided in this
25 section, under no circumstances shall nonlicensed supportive
26 personnel be delegated diagnosis or treatment duties; however,
27 such personnel may perform data gathering, preliminary
28 testing, prescribed visual therapy, and related duties under
29 the direct supervision of the licensed practitioner.
30 Nonlicensed personnel, who need not be employees of the
31 licensed practitioner, may perform ministerial duties, tasks,

1 and functions assigned to them by and performed under the
2 general supervision of a licensed practitioner, including
3 obtaining information from consumers for the purpose of making
4 appointments for the licensed practitioner. The licensed
5 practitioner shall be responsible for all delegated acts
6 performed by persons under her or his direct and general
7 supervision.

8 Section 7. Section 463.014, Florida Statutes, is
9 amended to read:

10 463.014 Certain acts prohibited.--

11 (1)(a) No corporation, lay body, organization, or
12 individual other than a licensed practitioner shall engage in
13 the practice of optometry through the means of engaging the
14 services, upon a salary, commission, or other means or
15 inducement, of any person licensed to practice optometry in
16 this state. Nothing in this section shall be deemed to
17 prohibit the association of a licensed practitioner with a
18 multidisciplinary group of licensed health care professionals,
19 the primary objective of which is the diagnosis and treatment
20 of the human body.

21 (b) No licensed practitioner shall engage in the
22 practice of optometry with any corporation, organization,
23 group, or lay individual. This provision shall not prohibit
24 licensed practitioners from employing, or from forming
25 partnerships or professional associations with, licensed
26 practitioners licensed in this state or with other licensed
27 health care professionals, the primary objective of whom is
28 the diagnosis and treatment of the human body.

29 (c) No rule of the board shall forbid the practice of
30 optometry in or on the premises of a commercial or mercantile
31 establishment.

1 (d) No licensed practitioner may practice under
2 practice identification names, trade names, or service names,
3 unless any dissemination of information by the practitioner to
4 consumers contains the name under which the practitioner is
5 licensed or that of the professional association in which the
6 practitioner participates. Any advertisement or other
7 dissemination of information to consumers may contain factual
8 information as to the geographic location of licensed
9 practitioners or of the availability of optometric services.

10 (e) No licensed practitioner shall adopt and publish
11 or cause to be published any practice identification name,
12 trade name, or service name which is, contains, or is intended
13 to serve as an affirmation of the quality or competitive value
14 of the optometric services provided at the identified
15 practice.

16 (2) A corporation or labor organization may employ
17 licensed practitioners to provide optometric services to bona
18 fide employees of such corporation and members of their
19 immediate families or to bona fide members of such labor
20 organization and members of their immediate families, provided
21 the provision of such services is incidental to the legitimate
22 business of such corporation or labor organization. Nothing in
23 this section shall be deemed to authorize the employment of
24 licensed practitioners by corporations or organizations formed
25 primarily for such purposes.

26 ~~(3) Prescribing, ordering, dispensing, administering,~~
27 ~~supplying, selling, or giving any systemic drugs by a licensed~~
28 ~~practitioner is prohibited.~~

29 (3)(4) Surgery of any kind, including the use of
30 lasers, is expressly prohibited. Certified optometrists may
31 remove superficial foreign bodies. For the purposes of this

1 subsection, the term "superficial foreign bodies" means any
2 foreign matter that is embedded in the conjunctiva or cornea
3 but which has not penetrated the globe.

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

8 Section 8. This act shall take effect October 1, 2000.

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11 HOUSE SUMMARY

12 Provides that the practice of optometry includes the
13 diagnosis, treatment, and management of diseases and
14 conditions of the human eye and its appendages. Requires
15 the Board of Optometry in implementing ch. 463, F.S., the
16 Optometry Practice Act, to adopt rules relating to scope
17 and standards of practice. Authorizes administration and
18 prescription of pharmaceutical agents within the scope
19 and standards of optometric practice as established by
20 the board by rule and provides requirements with respect
21 thereto. Authorizes licensed practitioners to use
22 mydriatics and cycloplegics for diagnostic purposes.
23 Revises duties of the pharmaceutical agent formulary
24 committee. Eliminates provisions relating to the
25 effective date of the formulary rule and to challenges by
26 the Secretary of Health to rules or proposed rules of the
27 board. Amends various provisions of law to conform. See
28 bill for details.

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