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1 A bill to be entitled
2 An act relating to optometry; amending s. 463.002, F.S.;
3 revising definitions to conform to provisions authorizing
4 the oral administration of ocular pharmaceutical agents by
5 certain practitioners; amending s. 463.005, F.S.;
6 requiring the Board of Optometry to adopt rules governing
7 the administration and prescription of oral ocular
8 pharmaceutical agents; amending s. 463.0055, F.S.;
9 requiring an advisory committee to review requests for
10 modifications of a formulary of topical and oral ocular
11 pharmaceutical agents; requiring that the formulary
12 consist of topical and oral pharmaceutical agents and
13 those pharmaceutical agents appropriate to treat and
14 diagnose ocular disease or disorders; requiring the
15 prescriber number to be printed on a prescription for an
16 oral ocular pharmaceutical agent; amending ss. 463.0057
17 and 463.006, F.S., relating to faculty certificates and
18 licensure and certification by examination; conforming
19 provisions to changes made by the act; amending s. 893.02,
20 F.S.; redefining the term "practitioner" for purposes of
21 the Florida Comprehensive Drug Abuse Prevention and
22 Control Act to include certified optometrists; amending s.
23 893.05, F.S.; prohibiting an optometrist from
24 administering or prescribing certain controlled
25 substances; 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, are amended to read:

31 463.002 Definitions.--As used in this chapter, the term:

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

35 (b) A licensed practitioner who is not a certified
 36 optometrist shall ~~be required to~~ display at her or his place of
 37 practice a sign that ~~which~~ states, "I am a Licensed
 38 Practitioner, not a Certified Optometrist, and I am not able to
 39 prescribe topical or oral ocular pharmaceutical agents."

40 (c) All practitioners initially licensed after July 1,
 41 1993, must be certified optometrists.

42 (4) "Certified optometrist" means a licensed practitioner
 43 authorized by the board to administer and prescribe topical and
 44 oral ocular pharmaceutical agents.

45 (5) "Optometry" means the diagnosis of conditions of the
 46 human eye and its appendages; the employment of any objective or
 47 subjective means or methods, including the administration of
 48 topical and oral ocular pharmaceutical agents, for the purpose
 49 of determining the refractive powers of the human eyes, or any
 50 visual, muscular, neurological, or anatomic anomalies of the
 51 human eyes and their appendages; and the prescribing and
 52 employment of lenses, prisms, frames, mountings, contact lenses,
 53 orthoptic exercises, light frequencies, and any other means or
 54 methods, including topical and oral ocular pharmaceutical
 55 agents, for the correction, remedy, or relief of any
 56 insufficiencies or abnormal conditions of the human eyes and

57 their appendages.

58 Section 2. Paragraph (g) of subsection (1) of section
59 463.005, Florida Statutes, is amended to read:

60 463.005 Authority of the board.--

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

65 (g) Administration and prescription of topical and oral
66 ocular pharmaceutical agents.

67 Section 3. Section 463.0055, Florida Statutes, is amended
68 to read:

69 463.0055 Administration and prescription of topical and
70 oral ocular pharmaceutical agents; committee.--

71 (1) Certified optometrists may administer and prescribe
72 topical and oral ocular pharmaceutical agents as provided in
73 this section for the diagnosis and treatment of ocular
74 conditions of the human eye and its appendages without the use
75 of surgery or other invasive techniques. However, a licensed
76 practitioner who is not certified may use topically applied
77 anesthetics solely for the purpose of glaucoma examinations, but
78 is otherwise prohibited from administering or prescribing
79 topical or oral ocular pharmaceutical agents.

80 (2) (a) There is ~~hereby~~ created a committee composed of two
81 optometrists licensed pursuant to this chapter, appointed by the
82 Board of Optometry, two board-certified ophthalmologists
83 licensed pursuant to chapter 458 or chapter 459, appointed by
84 the Board of Medicine, and one additional person who holds ~~with~~

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85 a doctorate degree in pharmacology and who is not licensed
86 pursuant to chapter 458, chapter 459, or this chapter, appointed
87 by the State Surgeon General. The committee shall review
88 requests for additions to, deletions from, or modifications of a
89 formulary of topical and oral ocular pharmaceutical agents for
90 administration and prescription by certified optometrists and
91 shall provide to the board advisory opinions and recommendations
92 on such requests. The formulary shall consist of those topical
93 and oral ocular pharmaceutical agents that ~~which~~ the certified
94 optometrist is qualified to use in the practice of optometry and
95 shall include those pharmaceutical agents appropriate to treat
96 and diagnose ocular disease or disorders within the scope of
97 optometric practice. The board shall establish, add to, delete
98 from, or modify the formulary by rule. Notwithstanding any
99 provision of chapter 120 to the contrary, the formulary rule
100 shall become effective 60 days following ~~from~~ the date it is
101 filed with the Secretary of State.

102 (b) The formulary may be added to, deleted from, or
103 modified according to the procedure described in paragraph (a).
104 Any person who requests an addition, deletion, or modification
105 of an authorized topical or oral ocular pharmaceutical agent has
106 ~~shall have~~ the burden of proof to show cause why such addition,
107 deletion, or modification should be made.

108 (c) The State Surgeon General has ~~shall have~~ standing to
109 challenge any rule or proposed rule of the board pursuant to s.
110 120.56. In addition to challenges for any invalid exercise of
111 delegated legislative authority, the administrative law judge,
112 upon such a challenge by the State Surgeon General, may declare

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

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

116 2. Unreasonably restricts competition or the availability
117 of professional services in the state or in a significant part
118 of the state; or

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

121

122 However, the challenge of a rule or proposed rule does there
123 ~~shall not create be created~~ a presumption of the existence of
124 any of the conditions cited in this subsection ~~in the event that~~
125 ~~the rule or proposed rule is challenged.~~

126 (d) Upon adoption of the formulary required by this
127 section, and upon each addition, deletion, or modification to
128 the formulary, the board shall mail a copy of the amended
129 formulary to each certified optometrist and to each pharmacy
130 licensed by the state.

131 (3) A certified optometrist shall be issued a prescriber
132 number by the board. Any prescription written by a certified
133 optometrist for a topical or oral ocular pharmaceutical agent
134 pursuant to this section shall have the prescriber number
135 printed thereon.

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

138 463.0057 Optometric faculty certificate.--

139 (3) The holder of a faculty certificate may engage in the
140 practice of optometry as permitted by this section, but may not

141 administer or prescribe topical or oral ocular pharmaceutical
 142 agents unless the certificateholder has satisfied the
 143 requirements of s. 463.006(1)(b)4. and 5.

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

146 463.006 Licensure and certification by examination.--

147 (2) The examination shall consist of the appropriate
 148 subjects, including applicable state laws and rules and general
 149 and ocular pharmacology with emphasis on the topical and oral
 150 application and side effects of ocular pharmaceutical agents.
 151 The board may by rule substitute a national examination as part
 152 or all of the examination and may by rule offer a practical
 153 examination in addition to the written examination.

154 (3) Each applicant who successfully passes the examination
 155 and otherwise meets the requirements of this chapter is entitled
 156 to be licensed as a practitioner and to be certified to
 157 administer and prescribe topical and oral ocular pharmaceutical
 158 agents in the diagnosis and treatment of ocular conditions.

159 Section 6. Subsection (20) of section 893.02, Florida
 160 Statutes, is amended to read:

161 893.02 Definitions.--The following words and phrases as
 162 used in this chapter shall have the following meanings, unless
 163 the context otherwise requires:

164 (20) "Practitioner" means a physician licensed pursuant to
 165 chapter 458, a dentist licensed pursuant to chapter 466, a
 166 veterinarian licensed pursuant to chapter 474, an osteopathic
 167 physician licensed pursuant to chapter 459, a naturopath
 168 licensed pursuant to chapter 462, ~~or~~ a podiatric physician

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169 licensed pursuant to chapter 461, or an optometrist certified
170 pursuant to chapter 463 to administer and prescribe topical and
171 oral ocular pharmaceutical agents, if ~~provided~~ such practitioner
172 holds a valid federal controlled substance registry number.

173 Section 7. Subsection (1) of section 893.05, Florida
174 Statutes, is amended to read:

175 893.05 Practitioners and persons administering controlled
176 substances in their absence.--

177 (1) A practitioner, in good faith and in the course of his
178 or her professional practice only, may prescribe, administer,
179 dispense, mix, or otherwise prepare a controlled substance, or
180 the practitioner may cause the same to be administered by a
181 licensed nurse or an intern practitioner under his or her
182 direction and supervision only. A veterinarian may so prescribe,
183 administer, dispense, mix, or prepare a controlled substance for
184 use on animals only, and may cause it to be administered by an
185 assistant or orderly under the veterinarian's direction and
186 supervision only. An optometrist certified pursuant to chapter
187 463 to administer and prescribe topical and oral ocular
188 pharmaceutical agents may not administer or prescribe any
189 controlled substances listed in Schedule I or Schedule II of s.
190 893.03.

191 Section 8. This act shall take effect July 1, 2009.