

1 A bill to be entitled
2 An act relating to the practice of optometry; amending s.
3 463.002, F.S.; revising terminology to conform to changes
4 made by the act; amending s. 463.005, F.S.; authorizing
5 the Board of Optometry to adopt rules for the
6 administration and prescription of oral ocular
7 pharmaceutical agents; amending s. 463.0055, F.S.;
8 authorizing certified optometrists to administer and
9 prescribe oral ocular pharmaceutical agents under certain
10 circumstances; revising requirements for the certified
11 optometrist formulary of ocular pharmaceutical agents;
12 revising qualifications of certain members of the
13 formulary committee; prohibiting the committee from
14 reviewing requests or issuing advisory opinions or
15 recommendations regarding oral ocular pharmaceutical
16 agents; requiring the formulary to include certain oral
17 ocular pharmaceutical agents; prohibiting the board from
18 adding to, deleting from, or modifying the formulary with
19 respect to oral ocular pharmaceutical agents; amending ss.
20 463.0057 and 463.006, F.S.; conforming provisions to
21 changes made by the act; amending s. 893.02, F.S.;
22 revising a definition to specify that certified
23 optometrists are practitioners for purposes of the Florida
24 Comprehensive Drug Abuse Prevention and Control Act;
25 amending s. 893.05, F.S.; prohibiting certified
26 optometrists from administering and prescribing certain
27 controlled substances; providing an effective date.
28

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

30

31 Section 1. Subsections (3), (4), and (5) of section
32 463.002, Florida Statutes, are amended to read:

33 463.002 Definitions.--As used in this chapter, the term:

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

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

42 (c) All practitioners initially licensed after July 1,
43 1993, must be certified optometrists.

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

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

57 | agents, for the correction, remedy, or relief of any
 58 | insufficiencies or abnormal conditions of the human eyes and
 59 | their appendages.

60 | Section 2. Paragraph (g) of subsection (1) of section
 61 | 463.005, Florida Statutes, is amended to read:

62 | 463.005 Authority of the board.--

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

67 | (g) Administration and prescription of topical and oral
 68 | ocular pharmaceutical agents.

69 | Section 3. Section 463.0055, Florida Statutes, is amended
 70 | to read:

71 | 463.0055 Administration and prescription of topical and
 72 | oral ocular pharmaceutical agents; committee.--

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

82 | (2) (a) There is hereby created a committee composed of two
 83 | certified optometrists licensed pursuant to this chapter,
 84 | appointed by the Board of Optometry, two board-certified

85 ophthalmologists licensed pursuant to chapter 458 or chapter
 86 459, appointed by the Board of Medicine, and one additional
 87 person with a doctorate degree in pharmacology who is not
 88 licensed pursuant to chapter 458, chapter 459, or this chapter,
 89 appointed by the State Surgeon General. The committee shall
 90 review requests for additions to, deletions from, or
 91 modifications of a formulary of topical ocular pharmaceutical
 92 agents for administration and prescription by certified
 93 optometrists and shall provide to the board advisory opinions
 94 and recommendations on such requests. However, the committee may
 95 not review a request or provide an advisory opinion or
 96 recommendation regarding any oral ocular pharmaceutical agent.

97 (b) The formulary shall consist of those topical ocular
 98 pharmaceutical agents which the certified optometrist is
 99 qualified to use in the practice of optometry and those topical
 100 ocular pharmaceutical agents appropriate to treat and diagnose
 101 ocular diseases or disorders within the scope of optometric
 102 practice. The formulary shall also include the following oral
 103 ocular pharmaceutical agents:

104 1. The following analgesics, which may not be administered
 105 or prescribed for more than 72 hours without consultation with a
 106 physician licensed under chapter 458 or chapter 459 who is
 107 skilled in diseases of the eye:

- 108 a. Acetaminophen with propoxyphene napsylate.
- 109 b. Tramadol hydrochloride.
- 110 c. Acetaminophen 300 mg with No. 3 codeine phosphate 30
 111 mg.

112 2. The following antibiotics:

- 113 | a. Amoxicillin.
- 114 | b. Azithromycin.
- 115 | c. Ciprofloxacin.
- 116 | d. Dicloxacillin.
- 117 | e. Doxycycline.
- 118 | 3. The following antivirals:
- 119 | a. Acyclovir.
- 120 | b. Famciclovir.
- 121 | c. Valacyclovir.
- 122 | 4. The following oral anti-glaucoma agents, which may not
- 123 | be administered or prescribed for more than 72 hours without
- 124 | consultation with a physician licensed under chapter 458 or
- 125 | chapter 459 who is skilled in diseases of the eye:
- 126 | a. Acetazolamide.
- 127 | b. Methazolamide.

129 | The board shall establish, add to, delete from, or modify the
 130 | formulary by rule. However, the board may not add to, delete
 131 | from, or modify the formulary with respect to the oral ocular
 132 | pharmaceutical agents listed in this paragraph. Notwithstanding
 133 | any provision of chapter 120 to the contrary, the formulary rule
 134 | shall become effective 60 days from the date it is filed with
 135 | the Secretary of State.

136 | ~~(c) (b)~~ The formulary may be added to, deleted from, or
 137 | modified according to the procedure described in paragraphs
 138 | ~~paragraph~~ (a) and (b). Any person who requests ~~an~~ addition,
 139 | deletion, or modification of an authorized topical ocular
 140 | pharmaceutical agent has ~~shall have~~ the burden of proof to show

141 cause why such addition, deletion, or modification should be
 142 made.

143 (d)~~(e)~~ The State Surgeon General shall have standing to
 144 challenge any rule or proposed rule of the board pursuant to s.
 145 120.56. In addition to challenges for any invalid exercise of
 146 delegated legislative authority, the administrative law judge,
 147 upon such a challenge by the State Surgeon General, may declare
 148 all or part of a rule or proposed rule invalid if it:

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

151 2. Unreasonably restricts competition or the availability
 152 of professional services in the state or in a significant part
 153 of the state; or

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

156
 157 However, there shall not be created a presumption of the
 158 existence of any of the conditions cited in this subsection in
 159 the event that the rule or proposed rule is challenged.

160 (e)~~(d)~~ Upon adoption of the formulary required by this
 161 section, and upon each addition, deletion, or modification to
 162 the formulary, the board shall mail a copy of the amended
 163 formulary to each certified optometrist and to each pharmacy
 164 licensed by the state.

165 (3) A certified optometrist shall be issued a prescriber
 166 number by the board. Any prescription written by a certified
 167 optometrist for a topical or oral ocular pharmaceutical agent

168 | pursuant to this section shall have the prescriber number
 169 | printed thereon.

170 | Section 4. Subsection (3) of section 463.0057, Florida
 171 | Statutes, is amended to read:

172 | 463.0057 Optometric faculty certificate.--

173 | (3) The holder of a faculty certificate may engage in the
 174 | practice of optometry as permitted by this section~~,~~ but may not
 175 | administer or prescribe topical or oral ocular pharmaceutical
 176 | agents unless the certificateholder has satisfied the
 177 | requirements of s. 463.006(1)(b)4. and 5.

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

180 | 463.006 Licensure and certification by examination.--

181 | (2) The examination shall consist of the appropriate
 182 | subjects, including applicable state laws and rules and general
 183 | and ocular pharmacology with emphasis on the topical
 184 | application, oral administration, and side effects of ocular
 185 | pharmaceutical agents. The board may by rule substitute a
 186 | national examination as part or all of the examination and may
 187 | by rule offer a practical examination in addition to the written
 188 | examination.

189 | (3) Each applicant who successfully passes the examination
 190 | and otherwise meets the requirements of this chapter is entitled
 191 | to be licensed as a practitioner and to be certified to
 192 | administer and prescribe topical and oral ocular pharmaceutical
 193 | agents in the diagnosis and treatment of ocular conditions.

194 | Section 6. Subsection (20) of section 893.02, Florida
 195 | Statutes, is amended to read:

196 893.02 Definitions.--The following words and phrases as
 197 used in this chapter shall have the following meanings, unless
 198 the context otherwise requires:

199 (20) "Practitioner" means a physician licensed pursuant to
 200 chapter 458, a dentist licensed pursuant to chapter 466, a
 201 veterinarian licensed pursuant to chapter 474, an osteopathic
 202 physician licensed pursuant to chapter 459, a naturopath
 203 licensed pursuant to chapter 462, ~~or~~ a podiatric physician
 204 licensed pursuant to chapter 461, or an optometrist certified
 205 pursuant to chapter 463 to administer and prescribe topical and
 206 oral ocular pharmaceutical agents, if ~~provided~~ such practitioner
 207 holds a valid federal controlled substance registry number.

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

210 893.05 Practitioners and persons administering controlled
 211 substances in their absence.--

212 (1) A practitioner, in good faith and in the course of his
 213 or her professional practice only, may prescribe, administer,
 214 dispense, mix, or otherwise prepare a controlled substance, or
 215 the practitioner may cause the same to be administered by a
 216 licensed nurse or an intern practitioner under his or her
 217 direction and supervision only. A veterinarian may so prescribe,
 218 administer, dispense, mix, or prepare a controlled substance for
 219 use on animals only, and may cause it to be administered by an
 220 assistant or orderly under the veterinarian's direction and
 221 supervision only. An optometrist certified pursuant to chapter
 222 463 to administer and prescribe topical and oral ocular
 223 pharmaceutical agents may not administer or prescribe any

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224 | controlled substance listed on Schedule I or Schedule II of s.

225 | 893.03.

226 | Section 8. This act shall take effect July 1, 2010.