

By Senator Bennett

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

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

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

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

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

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

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

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

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

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

62 Section 2. Paragraph (g) of subsection (1) of section
63 463.005, Florida Statutes, is amended to read:

64 463.005 Authority of the board.—

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

69 (g) Administration and prescription of topical and oral
70 ocular pharmaceutical agents.

71 Section 3. Section 463.0055, Florida Statutes, is amended
72 to read:

73 463.0055 Administration and prescription of topical and
74 oral ocular pharmaceutical agents; committee.—

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

84 (2) (a) There is hereby created a committee composed of two
85 certified optometrists licensed pursuant to this chapter,
86 appointed by the Board of Optometry, two board-certified
87 ophthalmologists licensed pursuant to chapter 458 or chapter

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

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

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

110 a. Acetaminophen with propoxyphene napsylate.

111 b. Tramadol hydrochloride.

112 c. Acetaminophen 300 mg with No. 3 codeine phosphate 30 mg.

113 2. The following antibiotics:

114 a. Amoxicillin.

115 b. Azithromycin.

116 c. Ciprofloxacin.

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

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

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

144 (d) ~~(e)~~ The State Surgeon General shall have standing to
 145 challenge any rule or proposed rule of the board pursuant to s.

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146 120.56. In addition to challenges for any invalid exercise of
147 delegated legislative authority, the administrative law judge,
148 upon such a challenge by the State Surgeon General, may declare
149 all or part of a rule or proposed rule invalid if it:

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

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

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

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

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

166 (3) A certified optometrist shall be issued a prescriber
167 number by the board. Any prescription written by a certified
168 optometrist for a topical or oral ocular pharmaceutical agent
169 pursuant to this section shall have the prescriber number
170 printed thereon.

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

173 463.0057 Optometric faculty certificate.—

174 (3) The holder of a faculty certificate may engage in the

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175 practice of optometry as permitted by this section, but may not
176 administer or prescribe topical or oral ocular pharmaceutical
177 agents unless the certificateholder has satisfied the
178 requirements of s. 463.006(1)(b)4. and 5.

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

181 463.006 Licensure and certification by examination.—

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

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

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

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

200 (20) "Practitioner" means a physician licensed pursuant to
201 chapter 458, a dentist licensed pursuant to chapter 466, a
202 veterinarian licensed pursuant to chapter 474, an osteopathic
203 physician licensed pursuant to chapter 459, a naturopath

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204 licensed pursuant to chapter 462, ~~or~~ a podiatric physician
205 licensed pursuant to chapter 461, or an optometrist certified
206 pursuant to chapter 463 to administer and prescribe topical and
207 oral ocular pharmaceutical agents, if ~~provided~~ such practitioner
208 holds a valid federal controlled substance registry number.

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

211 893.05 Practitioners and persons administering controlled
212 substances in their absence.—

213 (1) A practitioner, in good faith and in the course of his
214 or her professional practice only, may prescribe, administer,
215 dispense, mix, or otherwise prepare a controlled substance, or
216 the practitioner may cause the same to be administered by a
217 licensed nurse or an intern practitioner under his or her
218 direction and supervision only. A veterinarian may so prescribe,
219 administer, dispense, mix, or prepare a controlled substance for
220 use on animals only, and may cause it to be administered by an
221 assistant or orderly under the veterinarian's direction and
222 supervision only. An optometrist certified pursuant to chapter
223 463 to administer and prescribe topical and oral ocular
224 pharmaceutical agents may not administer or prescribe any
225 controlled substance listed on Schedule I or Schedule II of s.
226 893.03.

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