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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/13/2011	.	
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The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 241 and 242
insert:

Section 7. 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



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13 practice a sign which states, "I am a Licensed Practitioner, not
14 a Certified Optometrist, and I am not able to prescribe ~~topical~~
15 ocular pharmaceutical agents."

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

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

21 (5) "Optometry" means the diagnosis of conditions of the
22 human eye and its appendages; the employment of any objective or
23 subjective means or methods, including the administration of
24 ~~topical-ocular~~ pharmaceutical agents, for the purpose of
25 determining the refractive powers of the human eyes, or any
26 visual, muscular, neurological, or anatomic anomalies of the
27 human eyes and their appendages; and the prescribing and
28 employment of lenses, prisms, frames, mountings, contact lenses,
29 orthoptic exercises, light frequencies, and any other means or
30 methods, including ~~topical-ocular~~ pharmaceutical agents, for the
31 correction, remedy, or relief of any insufficiencies or abnormal
32 conditions of the human eyes and their appendages.

33 Section 8. Paragraph (g) of subsection (1) of section
34 463.005, Florida Statutes, is amended to read:

35 463.005 Authority of the board.—

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

40 (g) Administration and prescription of ~~topical~~ ocular
41 pharmaceutical agents.



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42 Section 9. Section 463.0055, Florida Statutes, is amended
43 to read:

44 463.0055 Administration and prescription of ~~topical~~ ocular
45 pharmaceutical agents; committee.-

46 (1) Certified optometrists may administer and prescribe
47 ~~topical-ocular~~ pharmaceutical agents as provided in this section
48 for the diagnosis and treatment of ocular conditions of the
49 human eye and its appendages without the use of surgery or other
50 invasive techniques. However, a licensed practitioner who is not
51 certified may use topically applied anesthetics solely for the
52 purpose of glaucoma examinations, but is otherwise prohibited
53 from administering or prescribing ~~topical~~ ocular pharmaceutical
54 agents.

55 (2) (a) There is ~~hereby~~ created a committee composed of two
56 certified optometrists licensed pursuant to this chapter,
57 appointed by the Board of Optometry, two board-certified
58 ophthalmologists licensed pursuant to chapter 458 or chapter
59 459, appointed by the Board of Medicine, and one additional
60 person with a doctorate degree in pharmacology who is not
61 licensed pursuant to chapter 458, chapter 459, or this chapter,
62 appointed by the State Surgeon General. The committee shall
63 review requests for additions to, deletions from, or
64 modifications of a formulary of ~~topical~~ ocular pharmaceutical
65 agents for administration and prescription by certified
66 optometrists and shall provide to the board advisory opinions
67 and recommendations on such requests. With regard to the
68 administration and prescription of oral pharmaceutical agents by
69 a certified optometrist for the diagnosis and treatment of
70 diseases or conditions of the human eye and its appendages, the



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71 board shall be bound by the committee's recommendation on the
72 duration of a certified optometrist's use of specific oral
73 analgesic agents. The formulary shall consist of those topical
74 ocular pharmaceutical agents which the certified optometrist is
75 qualified to use in the practice of optometry. The board shall
76 establish, add to, delete from, or modify the formulary by rule.
77 Notwithstanding any provision of chapter 120 to the contrary,
78 the formulary rule shall become effective 60 days from the date
79 it is filed with the Secretary of State.

80 (b) The formulary may be added to, deleted from, or
81 modified according to the procedure described in paragraph (a).
82 Any person who requests an addition, deletion, or modification
83 of an authorized ~~topical~~ ocular pharmaceutical agent shall have
84 the burden of proof to show cause why such addition, deletion,
85 or modification should be made.

86 (c) The State Surgeon General shall have standing to
87 challenge any rule or proposed rule of the board pursuant to s.
88 120.56. In addition to challenges for any invalid exercise of
89 delegated legislative authority, the administrative law judge,
90 upon such a challenge by the State Surgeon General, may declare
91 all or part of a rule or proposed rule invalid if it:

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

94 2. Unreasonably restricts competition or the availability
95 of professional services in the state or in a significant part
96 of the state; or

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

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

103 (d) Upon adoption of the formulary required by this
104 section, and upon each addition, deletion, or modification to
105 the formulary, the board shall mail a copy of the amended
106 formulary to each certified optometrist and to each pharmacy
107 licensed by the state.

108 (3) A certified optometrist shall be issued a prescriber
109 number by the board. Any prescription written by a certified
110 optometrist for an ~~a topical~~ ocular pharmaceutical agent
111 pursuant to this section shall have the prescriber number
112 printed thereon.

113 Section 10. Subsection (3) of section 463.0057, Florida
114 Statutes, is amended to read:

115 463.0057 Optometric faculty certificate.—

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

121 Section 11. Subsections (2) and (3) of section 463.006,
122 Florida Statutes, are amended to read:

123 463.006 Licensure and certification by examination.—

124 (2) The examination shall consist of the appropriate
125 subjects, including applicable state laws and rules and general
126 and ocular pharmacology with emphasis on the ~~topical~~ application
127 and side effects of ocular pharmaceutical agents. The board may
128 by rule substitute a national examination as part or all of the



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129 examination and may by rule offer a practical examination in
130 addition to the written examination.

131 (3) Each applicant who successfully passes the examination
132 and otherwise meets the requirements of this chapter is entitled
133 to be licensed as a practitioner and to be certified to
134 administer and prescribe ~~topical-ocular~~ pharmaceutical agents in
135 the diagnosis and treatment of ocular conditions.

136 Section 12. Subsection (20) of section 893.02, Florida
137 Statutes, is amended to read:

138 893.02 Definitions.—The following words and phrases as used
139 in this chapter shall have the following meanings, unless the
140 context otherwise requires:

141 (20) "Practitioner" means a physician licensed pursuant to
142 chapter 458, a dentist licensed pursuant to chapter 466, a
143 veterinarian licensed pursuant to chapter 474, an osteopathic
144 physician licensed pursuant to chapter 459, a naturopath
145 licensed pursuant to chapter 462, a certified optometrist
146 licensed pursuant to chapter 463, or a podiatric physician
147 licensed pursuant to chapter 461, provided such practitioner
148 holds a valid federal controlled substance registry number.

149 Section 13. Subsection (1) of section 893.05, Florida
150 Statutes, is amended to read:

151 893.05 Practitioners and persons administering controlled
152 substances in their absence.—

153 (1) A practitioner, in good faith and in the course of his
154 or her professional practice only, may prescribe, administer,
155 dispense, mix, or otherwise prepare a controlled substance, or
156 the practitioner may cause the same to be administered by a
157 licensed nurse or an intern practitioner under his or her



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158 direction and supervision only. A veterinarian may so prescribe,
159 administer, dispense, mix, or prepare a controlled substance for
160 use on animals only, and may cause it to be administered by an
161 assistant or orderly under the veterinarian's direction and
162 supervision only. A certified optometrist licensed under chapter
163 463 may not administer or prescribe pharmaceutical agents in
164 Schedule I or Schedule II of the Florida Comprehensive Drug
165 Abuse Prevention and Control Act.

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167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete line 27

170 and insert:

171 executed; amending s. 463.002, F.S.; redefining the
172 terms "licensed practitioner," "certified
173 optometrist," and "optometry" within the practice of
174 optometry; amending s. 463.005, F.S.; authorizing the
175 Board of Optometry to adopt rules pertaining to the
176 administration and prescription of ocular
177 pharmaceutical agents; amending s. 463.0055, F.S. ;
178 expanding the type of pharmaceuticals that are
179 prescribed and administered; requiring the
180 optometrists who are members of a committee appointed
181 by the Board of Optometry to be certified; requiring
182 the committee to review requests for modifications of
183 a formulary of ocular pharmaceutical agents; requiring
184 the board to be bound by the committee's
185 recommendation on the duration of a certified
186 optometrist's use of specific oral analgesic agents;



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187 conforming terminology to changes made by the act;
188 amending ss. 463.0057 and 463.006, F.S.; specifying
189 certain persons who may or may not prescribe or
190 administer any ocular pharmaceutical agents; amending
191 s. 893.02, F.S.; redefining the term "practitioner" as
192 it relates to the Florida Comprehensive Drug Abuse
193 Prevention and Control Act; amending s. 893.05, F.S.;
194 prohibiting a certified optometrist from administering
195 or prescribing certain pharmaceutical agents; amending
196 s. 464.012, F.S.; expanding the