

By Senator Bullard

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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.; redefining the term "certified
4 optometrist" within the practice of optometry;
5 amending s. 463.005, F.S.; authorizing the Board of
6 Optometry to adopt rules relating to the
7 administration and prescription of oral medications
8 used for the diagnosis and treatment of ocular
9 conditions of the human eye and its appendages;
10 amending s. 463.0055, F.S.; authorizing certified
11 optometrists to administer and prescribe such oral
12 medications; requiring that a prescription for an oral
13 medication contain the optometrist's prescriber
14 number; amending s. 463.006, F.S.; authorizing the
15 board to certify certain applicants to administer and
16 prescribe oral medications; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (4) of section 463.002, Florida
22 Statutes, is amended to read:

23 463.002 Definitions.—As used in this chapter, the term:

24 (4) "Certified optometrist" means a licensed practitioner
25 authorized by the board to administer and prescribe topical
26 ocular pharmaceutical agents and other oral medications used for
27 the diagnosis and treatment of ocular conditions of the human
28 eye and its appendages.

29 Section 2. Subsection (1) of section 463.005, Florida

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30 Statutes, is amended to read:

31 463.005 Authority of the board.—

32 (1) The Board of Optometry may ~~has authority to~~ adopt rules
33 pursuant to ss. 120.536(1) and 120.54 to administer ~~implement~~
34 the provisions of this chapter conferring duties upon it. Such
35 rules shall include, but not be limited to, rules relating to:

36 (a) Standards of practice, including, but not limited to,
37 those provided for in s. 463.0135.

38 (b) Minimum equipment that ~~which~~ a licensed practitioner
39 shall at all times possess to engage in the practice of
40 optometry.

41 (c) Minimum procedures that ~~which~~ shall constitute a visual
42 examination.

43 (d) Procedures for the safekeeping and transfer of
44 prescription files or case records upon the discontinuance of
45 practice.

46 (e) Supervision of supportive personnel.

47 (f) Courses and procedures for continuing education.

48 (g) Administration and prescription of topical ocular
49 pharmaceutical agents and other oral medications used for the
50 diagnosis and treatment of ocular conditions of the human eye
51 and its appendages.

52 Section 3. Section 463.0055, Florida Statutes, is amended
53 to read:

54 463.0055 Administration and prescription of topical ocular
55 pharmaceutical agents; committee.—

56 (1) Certified optometrists may administer and prescribe
57 topical ocular pharmaceutical agents and oral medications as
58 provided in this section for the diagnosis and treatment of

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59 ocular conditions of the human eye and its appendages without
60 the use of surgery or other invasive techniques. However, a
61 licensed practitioner who is not certified may use topically
62 applied anesthetics solely for the purpose of glaucoma
63 examinations, but is otherwise prohibited from administering or
64 prescribing topical ocular pharmaceutical agents and oral
65 medications used for the diagnosis and treatment of ocular
66 conditions of the human eye and its appendages.

67 (2) (a) There is hereby created a committee composed of two
68 optometrists licensed pursuant to this chapter, appointed by the
69 Board of Optometry, two board-certified ophthalmologists
70 licensed pursuant to chapter 458 or chapter 459, appointed by
71 the Board of Medicine, and one additional person with a
72 doctorate degree in pharmacology who is not licensed pursuant to
73 chapter 458, chapter 459, or this chapter, appointed by the
74 State Surgeon General. The committee shall review requests for
75 additions to, deletions from, or modifications of a formulary of
76 topical ocular pharmaceutical agents and oral medications used
77 for the diagnosis and treatment of ocular conditions of the
78 human eye and its appendages for administration and prescription
79 by certified optometrists and shall provide to the board
80 advisory opinions and recommendations on such requests. The
81 formulary shall consist of those topical ocular pharmaceutical
82 agents and oral medications that ~~which~~ the certified optometrist
83 is qualified to use in the practice of optometry. The board
84 shall establish, add to, delete from, or modify the formulary by
85 rule. Notwithstanding any provision of chapter 120 to the
86 contrary, the formulary rule shall become effective 60 days
87 after ~~from~~ the date it is filed with the Secretary of State.

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88 (b) The formulary may be added to, deleted from, or
89 modified according to the procedure described in paragraph (a).
90 Any person who requests an addition, deletion, or modification
91 of an authorized topical ocular pharmaceutical agent or an oral
92 medication used for the diagnosis and treatment of ocular
93 conditions of the human eye and its appendages ~~has~~ ~~shall have~~
94 the burden of proof to show cause why such addition, deletion,
95 or modification should be made.

96 (c) The State Surgeon General shall have standing to
97 challenge any rule or proposed rule of the board pursuant to s.
98 120.56. In addition to challenges for any invalid exercise of
99 delegated legislative authority, the administrative law judge,
100 upon such a challenge by the State Surgeon General, may declare
101 all or part of a rule or proposed rule invalid if it:

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

104 2. Unreasonably restricts competition or the availability
105 of professional services in the state or in a significant part
106 of the state; or

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

109
110 However, there is no ~~shall not be created~~ a presumption of the
111 existence of any of the conditions cited in this subsection if
112 ~~in the event that~~ the rule or proposed rule is challenged.

113 (d) Upon adoption of the formulary required by this
114 section, and upon each addition, deletion, or modification to
115 the formulary, the board shall mail a copy of the amended
116 formulary to each certified optometrist and to each pharmacy

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117 licensed by the state.

118 (3) The board ~~A certified optometrist~~ shall issue to a
119 certified optometrist ~~be issued~~ a prescriber number ~~by the~~
120 ~~board~~. Any prescription written by a certified optometrist for a
121 topical ocular pharmaceutical agent or an oral medication used
122 for the diagnosis and treatment of ocular conditions of the
123 human eye and its appendages pursuant to this section shall have
124 the prescriber number printed thereon.

125 Section 4. Subsection (3) of section 463.006, Florida
126 Statutes, is amended to read:

127 463.006 Licensure and certification by examination.—

128 (3) Each applicant who successfully passes the examination
129 and otherwise meets the requirements of this chapter is entitled
130 to be licensed as a practitioner and to be certified to
131 administer and prescribe topical ocular pharmaceutical agents
132 and oral medications that are used in the diagnosis and
133 treatment of ocular conditions of the human eye and its
134 appendages.

135 Section 5. This act shall take effect July 1, 2011.