

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Wood offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (3) and subsection
 8 (4) of section 463.002, Florida Statutes, are amended,
 9 subsection (5) is renumbered as subsection (7) and amended,
 10 present subsection (6) through (10) are renumbered as
 11 subsections (7) through (12), respectively, new subsections (5)
 12 and (6) are added to that section, to read:

13 463.002 Definitions.—As used in this chapter, the term:

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

17 (b) A licensed practitioner who is not a certified
 18 optometrist shall be required to display at her or his place of
 19 practice a sign which states, "I am a Licensed Practitioner, not

Amendment No.

20 a Certified Optometrist, and I am not able to prescribe ~~topical~~
21 ocular pharmaceutical agents."

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

25 (5) "Ocular pharmaceutical agent" means a pharmaceutical
26 agent that is administered topically or orally for the diagnosis
27 and treatment of ocular conditions of the human eye and its
28 appendages without the use of surgery or other invasive
29 techniques.

30 (6) "Surgery" means a procedure using an instrument,
31 including a laser, needle or scalpel, to cut, burn, vaporize,
32 remove, or otherwise alter human tissue by incision, injection,
33 ultrasound, radiation, infusion, cryotherapy, or scraping. The
34 term also includes a procedure requiring closure by suture,
35 clamp, adhesive or any other such method.

36 (7)-(5) "Optometry" means the diagnosis of conditions of the
37 human eye and its appendages; the employment of any objective or
38 subjective means or methods, including the administration of
39 ~~topical~~ ocular pharmaceutical agents, for the purpose of
40 determining the refractive powers of the human eyes, or any
41 visual, muscular, neurological, or anatomic anomalies of the
42 human eyes and their appendages; and the prescribing and
43 employment of lenses, prisms, frames, mountings, contact lenses,
44 orthoptic exercises, light frequencies, and any other means or
45 methods, including ~~topical~~ ocular pharmaceutical agents, for the
46 correction, remedy, or relief of any insufficiencies or abnormal
47 conditions of the human eyes and their appendages.

Amendment No.

48 Section 2. Paragraph (g) of subsection (1) of section
49 463.005, Florida Statutes, is amended to read:

50 463.005 Authority of the board.—

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

55 (g) Administration and prescription of ~~topical~~ ocular
56 pharmaceutical agents.

57 Section 3. Section 463.0055, Florida Statutes, is amended
58 to read:

59 463.0055 Administration and prescription of ~~topical~~ ocular
60 pharmaceutical agents; committee.—

61 (1) (a) Certified optometrists may administer and prescribe
62 ~~topical~~ ocular pharmaceutical agents as provided in this section
63 for the diagnosis and treatment of ocular conditions of the
64 human eye and its appendages without the use of surgery or other
65 invasive techniques. However, a licensed practitioner who is not
66 certified may use topically applied anesthetics solely for the
67 purpose of glaucoma examinations, but is otherwise prohibited
68 from administering or prescribing ~~topical~~ ocular pharmaceutical
69 agents.

70 (b) Before a certified optometrist may administer or
71 prescribe oral ocular pharmaceutical agents, the certified
72 optometrist must send proof to the department of successful
73 completion of a course and subsequent examination on general and
74 ocular pharmaceutical agents and the side effects of those
75 agents. For certified optometrists licensed before January 1,

Amendment No.

76 1990, the course shall consist of 50 contact hours and 25 of
77 those hours shall be web-based. For certified optometrists
78 licensed on or after January 1, 1990, the course shall consist
79 of 20 contact hours and 10 of those hours shall be web-based.
80 The first course and examination shall be presented by July 1,
81 2013, and shall be administered at least annually thereafter.
82 The Florida Medical Association and the Florida Optometric
83 Association shall jointly develop and administer a course and
84 examination for such purpose and jointly determine the site or
85 sites for the course and examination. A certified optometrist
86 may not administer or prescribe pharmaceutical agents:

87 1. Listed in Schedule II of s. 893.03.

88 2. Listed in Schedule III, IV, or V, except for oral
89 analgesics for the relief of pain due to ocular conditions of
90 the eye and its appendages.

91 3. For the treatment of chronic nonmalignant pain as
92 defined in s. 456.44(1)(e).

93
94 If a certified optometrist does not complete a course and
95 subsequent examination under this paragraph, the certified
96 optometrist is only authorized to administer and prescribe
97 topical ocular pharmaceutical agents.

98 (2) (a) There is ~~hereby~~ created a committee composed of two
99 certified optometrists licensed pursuant to this chapter,
100 appointed by the Board of Optometry, two board-certified
101 ophthalmologists licensed pursuant to chapter 458 or chapter
102 459, appointed by the Board of Medicine, and one additional
103 person with a doctorate degree in pharmacology who is not

Amendment No.

104 licensed pursuant to chapter 458, chapter 459, or this chapter,
105 appointed by the State Surgeon General. The committee shall
106 review requests for additions to, deletions from, or
107 modifications of a formulary of ~~topical~~ ocular pharmaceutical
108 agents for administration and prescription by certified
109 optometrists and shall provide to the board advisory opinions
110 and recommendations on such requests. The advisory opinions and
111 recommendations must state specific findings of fact and grounds
112 for its recommendation, and are not subject to review pursuant
113 to ss. 120.569 and 120.57. The formulary shall consist of those
114 ~~topical~~ ocular pharmaceutical agents that which are appropriate
115 to treat and diagnose ocular diseases and disorders and which
116 the certified optometrist is qualified to use in the practice of
117 optometry. The board shall establish, add to, delete from, or
118 modify the formulary by rule. The board is bound by the
119 committee's advisory opinions and recommendations on oral ocular
120 pharmaceutical agents unless competent substantial evidence is
121 presented to the board sufficient to rebut the committee's
122 advisory opinion and recommendation. Notwithstanding any
123 provision of chapter 120 to the contrary, the formulary rule
124 becomes ~~shall become~~ effective 60 days from the date it is filed
125 with the Secretary of State.

126 (b) The formulary may be added to, deleted from, or
127 modified according to the procedure described in paragraph (a).
128 Any person who requests an addition, deletion, or modification
129 of an authorized ~~topical~~ ocular pharmaceutical agent shall have
130 the burden of proof to show cause why such addition, deletion,
131 or modification should be made.

Amendment No.

132 (c) The State Surgeon General shall have standing to
133 challenge any rule or proposed rule of the board pursuant to s.
134 120.56. In addition to challenges for any invalid exercise of
135 delegated legislative authority, the administrative law judge,
136 upon such a challenge by the State Surgeon General, may declare
137 all or part of a rule or proposed rule invalid if it:

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

140 2. Unreasonably restricts competition or the availability
141 of professional services in the state or in a significant part
142 of the state; or

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

145
146 However, there shall not be created a presumption of the
147 existence of any of the conditions cited in this subsection in
148 the event that the rule or proposed rule is challenged.

149 (d) Upon adoption of the formulary required by this
150 section, and upon each addition, deletion, or modification to
151 the formulary, the board shall mail a copy of the amended
152 formulary to each certified optometrist and to each pharmacy
153 licensed by the state.

154 (3) A certified optometrist shall be issued a prescriber
155 number by the board. Any prescription written by a certified
156 optometrist for an ~~a topical~~ ocular pharmaceutical agent
157 pursuant to this section shall have the prescriber number
158 printed thereon.

Amendment No.

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

161 463.0057 Optometric faculty certificate.—

162 (3) The holder of a faculty certificate may engage in the
163 practice of optometry as permitted by this section, but may not
164 administer or prescribe ~~topical~~ ocular pharmaceutical agents
165 unless the certificateholder has satisfied the requirements of
166 s. 463.006(1)(b)4. and 5. If a certificateholder wishes to
167 administer or prescribe oral ocular pharmaceutical agents, the
168 certificateholder must also satisfy the requirements under s.
169 463.0055(1)(b).

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

172 463.006 Licensure and certification by examination.—

173 (2) The examination shall consist of the appropriate
174 subjects, including applicable state laws and rules and general
175 and ocular pharmacology with emphasis on the use ~~topical~~
176 ~~application~~ and side effects of ocular pharmaceutical agents.
177 The board may by rule substitute a national examination as part
178 or all of the examination and may by rule offer a practical
179 examination in addition to the written examination.

180 (3) Each applicant who successfully passes the examination
181 and otherwise meets the requirements of this chapter is entitled
182 to be licensed as a practitioner and to be certified to
183 administer and prescribe ~~topical~~ ocular pharmaceutical agents in
184 the diagnosis and treatment of ocular conditions.

185 Section 6. Subsection (10) and (11) are added to section
186 463.0135, Florida Statutes, to read:

Amendment No.

187 463.0135 Standards of practice.-

188 (10) A certified optometrist is authorized to perform any
189 eye examination, including a dilated examination, required or
190 authorized by chapter 548 or by rules adopted to implement that
191 chapter.

192 (11) Co-management of postoperative care shall be
193 conducted pursuant to the requirements of this section and a
194 patient-specific transfer of care letter that governs the
195 relationship between the physician who performed surgery and the
196 licensed practitioner. The patient must be fully informed of,
197 and consent in writing to, the co-management relationship for
198 his or her care. The transfer of care letter shall confirm that
199 it is not medically necessary for the physician who performed
200 the surgery to provide such postoperative care to the patient,
201 and that it is clinically appropriate for the licensed
202 practitioner to provide such postoperative care. Before co-
203 management of post-operative care commences, the patient shall
204 be informed in writing that he or she has the right to be seen
205 by the physician who performed the surgery during the entire
206 postoperative period. In addition, the patient must be informed
207 of the fees, if any, to be charged by the licensed practitioner
208 and the physician performing the surgery, and must be provided
209 with an accurate and comprehensive itemized statement of the
210 specific postoperative-care services that the physician
211 performing the surgery and the licensed practitioner render,
212 along with the charge for each service.

213 Section 7. Subsections (3) and (4) of section 463.014,
214 Florida Statutes, are amended to read:

Amendment No.

215 463.014 Certain acts prohibited.—

216 (3) Prescribing, ordering, dispensing, administering,
217 supplying, selling, or giving any drug for the purpose of
218 treating a systemic disease ~~systemic drugs~~ by a licensed
219 practitioner is prohibited.

220 (4) Surgery of any kind, including the use of lasers, is
221 expressly prohibited. Certified optometrists may remove
222 superficial foreign bodies. For the purposes of this subsection,
223 the term "superficial foreign bodies" means any foreign matter
224 that is embedded in the conjunctiva or cornea but which has not
225 penetrated the globe. Nothing in this chapter shall prohibit a
226 certified optometrist from removing an eyelash by epilation,
227 probing an uninflamed tear duct of a patient, or scraping for
228 the purpose of taking a culture of the surface of the cornea.

229 Section 8. Subsection (1) of section 483.035, Florida
230 Statutes, is amended to read:

231 483.035 Clinical laboratories operated by practitioners
232 for exclusive use; licensure and regulation.—

233 (1) A clinical laboratory operated by one or more
234 practitioners licensed under chapter 458, chapter 459, chapter
235 460, chapter 461, chapter 462, chapter 463, or chapter 466,
236 exclusively in connection with the diagnosis and treatment of
237 their own patients, must be licensed under this part and must
238 comply with the provisions of this part, except that the agency
239 shall adopt rules for staffing, for personnel, including
240 education and training of personnel, for proficiency testing,
241 and for construction standards relating to the licensure and
242 operation of the laboratory based upon and not exceeding the

Amendment No.

243 same standards contained in the federal Clinical Laboratory
244 Improvement Amendments of 1988 and the federal regulations
245 adopted thereunder.

246 Section 9. Subsection (7) of section 483.041, Florida
247 Statutes, is amended to read:

248 483.041 Definitions.—As used in this part, the term:

249 (7) "Licensed practitioner" means a physician licensed
250 under chapter 458, chapter 459, chapter 460, or chapter 461; a
251 certified optometrist licensed under chapter 463; a dentist
252 licensed under chapter 466; a person licensed under chapter 462;
253 or an advanced registered nurse practitioner licensed under part
254 I of chapter 464; or a duly licensed practitioner from another
255 state licensed under similar statutes who orders examinations on
256 materials or specimens for nonresidents of the State of Florida,
257 but who reside in the same state as the requesting licensed
258 practitioner.

259 Section 10. Subsection (5) of section 483.181, Florida
260 Statutes, is amended to read:

261 483.181 Acceptance, collection, identification, and
262 examination of specimens.—

263 (5) A clinical laboratory licensed under this part must
264 accept a human specimen submitted for examination by a
265 practitioner licensed under chapter 458, chapter 459, chapter
266 460, chapter 461, chapter 462, chapter 463, s. 464.012, or
267 chapter 466, if the specimen and test are the type performed by
268 the clinical laboratory. A clinical laboratory may only refuse a
269 specimen based upon a history of nonpayment for services by the
270 practitioner. A clinical laboratory shall not charge different

Amendment No.

271 | prices for tests based upon the chapter under which a
272 | practitioner submitting a specimen for testing is licensed.

273 | Section 11. Subsection (21) of section 893.02, Florida
274 | Statutes, is amended to read:

275 | 893.02 Definitions.—The following words and phrases as
276 | used in this chapter shall have the following meanings, unless
277 | the context otherwise requires:

278 | (21) "Practitioner" means a physician licensed pursuant to
279 | chapter 458, a dentist licensed pursuant to chapter 466, a
280 | veterinarian licensed pursuant to chapter 474, an osteopathic
281 | physician licensed pursuant to chapter 459, a naturopath
282 | licensed pursuant to chapter 462, a certified optometrist
283 | licensed pursuant to chapter 463, or a podiatric physician
284 | licensed pursuant to chapter 461, provided such practitioner
285 | holds a valid federal controlled substance registry number.

286 | Section 12. Subsection (1) of section 893.05, Florida
287 | Statutes, is amended to read:

288 | 893.05 Practitioners and persons administering controlled
289 | substances in their absence.—

290 | (1) A practitioner, in good faith and in the course of his
291 | or her professional practice only, may prescribe, administer,
292 | dispense, mix, or otherwise prepare a controlled substance, or
293 | the practitioner may cause the same to be administered by a
294 | licensed nurse or an intern practitioner under his or her
295 | direction and supervision only. A veterinarian may so prescribe,
296 | administer, dispense, mix, or prepare a controlled substance for
297 | use on animals only, and may cause it to be administered by an
298 | assistant or orderly under the veterinarian's direction and

Amendment No.

299 supervision only. A certified optometrist licensed under chapter
300 463 may not administer or prescribe pharmaceutical agents listed
301 in Schedule I or Schedule II of s. 893.03.

302 Section 13. Section 463.009, Florida Statutes, is amended
303 to read:

304 463.009 Supportive personnel.—No person other than a
305 licensed practitioner may engage in the practice of optometry as
306 defined in s. 463.002(6) ~~463.002(5)~~. Except as provided in this
307 section, under no circumstances shall nonlicensed supportive
308 personnel be delegated diagnosis or treatment duties; however,
309 such personnel may perform data gathering, preliminary testing,
310 prescribed visual therapy, and related duties under the direct
311 supervision of the licensed practitioner. Nonlicensed personnel,
312 who need not be employees of the licensed practitioner, may
313 perform ministerial duties, tasks, and functions assigned to
314 them by and performed under the general supervision of a
315 licensed practitioner, including obtaining information from
316 consumers for the purpose of making appointments for the
317 licensed practitioner. The licensed practitioner shall be
318 responsible for all delegated acts performed by persons under
319 her or his direct and general supervision.

320 Section 14. Subsection (19) of section 641.31, Florida
321 Statutes, is amended to read:

322 641.31 Health maintenance contracts.—

323 (19) Notwithstanding any other provision of law, health
324 maintenance policies or contracts which provide coverage,
325 benefits, or services as described in s. 463.002(6) ~~463.002(5)~~,

Amendment No.

326 shall offer to the subscriber the services of an optometrist
327 licensed pursuant to chapter 463.

328 Section 15. This act shall take effect July 1, 2013.
329
330
331

332 -----

333 **T I T L E A M E N D M E N T**

334 Remove everything before the enacting clause and insert:
335 An act relating to the practice of optometry; amending s.
336 463.002, F.S.; providing definitions; authorizing a certified
337 optometrist to administer and prescribe ocular pharmaceutical
338 agents; amending s. 463.005, F.S.; authorizing the Board of
339 Optometry to adopt rules relating to the administration and
340 prescription of ocular pharmaceutical agents; amending s.
341 463.0055, F.S.; requiring a certified optometrist to complete a
342 course and examination on general and ocular pharmaceutical
343 agents before administering or prescribing those agents;
344 requiring the certified optometrist to send proof to the
345 department of successful completion of a course and subsequent
346 examination; providing exceptions to the pharmaceutical agents a
347 certified optometrist may administer or prescribe; providing an
348 exception to the coursework and subsequent examination
349 requirements; specifying the number of required course hours
350 based on the date of licensure; requiring the Florida Medical
351 Association and the Florida Optometric Association to jointly
352 develop and administer the course and examination; revising
353 provisions relating to the development of a formulary of ocular

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 239 (2013)

Amendment No.

354 pharmaceutical agents; providing that the committee's advisory
355 opinions and recommendations state specific findings of fact and
356 grounds for recommendations; providing an exception to review;
357 providing that the board is bound by the committee's advisory
358 opinions and recommendations unless competent substantial
359 evidence is presented to the board to rebut; amending s.
360 463.0057, F.S.; prohibiting the holder of an optometric faculty
361 certificate from administering or prescribing ocular
362 pharmaceutical agents; amending s. 463.006, F.S.; revising
363 provisions relating to licensure and certification of
364 optometrists; amending s. 463.0135, F.S.; authorizing a
365 certified optometrist to perform certain eye examinations;
366 requiring a co-management letter to transfer a patient for
367 postoperative care; requiring patient consent; requiring the
368 patient to be informed of the fees and provided an itemized
369 statement of services; amending s. 463.014, F.S.; prohibiting a
370 licensed practitioner of optometry from providing any drug for
371 the purpose of treating a systemic disease; specifying
372 procedures a certified optometrist is authorized to perform;
373 amending s. 483.035, F.S.; requiring a clinical laboratory
374 operated by a licensed practitioner of optometry to be licensed
375 under ch. 463, F.S.; amending s. 483.041, F.S.; revising the
376 definition of the term "licensed practitioner" to include
377 certified optometrists; amending s. 483.181, F.S.; providing for
378 an optometrist to accept a human specimen for examination, under
379 certain conditions; amending s. 893.02, F.S.; redefining the
380 term "practitioner" to include certified optometrists; amending
381 s. 893.05, F.S.; prohibiting a certified optometrist from

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 239 (2013)

Amendment No.

382 administering or prescribing pharmaceutical agents listed in
383 Schedule I or Schedule II of the Florida Comprehensive Drug
384 Abuse Prevention and Control Act; amending ss. 463.009 and
385 641.31, F.S.; conforming cross-references; providing an
386 effective date.