

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Caldwell offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 83-281 and insert:

5 (6) "Surgery" means a procedure using an instrument,  
6 including a laser, scalpel, or needle, in which human tissue is  
7 cut, burned, or vaporized by incision, injection, ultrasound,  
8 laser, or radiation. The term also includes a procedure which  
9 uses an instrument that requires the closure of human tissue by  
10 suture, clamp, or another such device.

11 (7)-(5) "Optometry" means the diagnosis of conditions of  
12 the human eye and its appendages; the employment of any  
13 objective or subjective means or methods, including the  
14 administration of ~~topical~~ ocular pharmaceutical agents, for the  
15 purpose of determining the refractive powers of the human eyes,  
16 or any visual, muscular, neurological, or anatomic anomalies of

495363

Approved For Filing: 3/20/2013 1:54:38 PM

Amendment No.

17 the human eyes and their appendages; and the prescribing and  
18 employment of lenses, prisms, frames, mountings, contact lenses,  
19 orthoptic exercises, light frequencies, and any other means or  
20 methods, including ~~topical~~ ocular pharmaceutical agents, for the  
21 correction, remedy, or relief of any insufficiencies or abnormal  
22 conditions of the human eyes and their appendages.

23 Section 2. Paragraph (g) of subsection (1) of section  
24 463.005, Florida Statutes, is amended to read:

25 463.005 Authority of the board.—

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

30 (g) Administration and prescription of ~~topical~~ ocular  
31 pharmaceutical agents.

32 Section 3. Section 463.0055, Florida Statutes, is amended  
33 to read:

34 463.0055 Administration and prescription of ~~topical~~ ocular  
35 pharmaceutical agents; committee.—

36 (1) (a) Certified optometrists may administer and prescribe  
37 ~~topical~~ ocular pharmaceutical agents as provided in this section  
38 for the diagnosis and treatment of ocular conditions of the  
39 human eye and its appendages without the use of surgery or other  
40 invasive techniques. However, a licensed practitioner who is not  
41 certified may use topically applied anesthetics solely for the  
42 purpose of glaucoma examinations, but is otherwise prohibited  
43 from administering or prescribing ~~topical~~ ocular pharmaceutical  
44 agents.

Amendment No.

45       (b) Before a certified optometrist may administer or  
46 prescribe oral ocular pharmaceutical agents, the certified  
47 optometrist must provide proof to the department of successful  
48 completion of a course and subsequent examination, approved by  
49 the board, on general and ocular pharmaceutical agents and the  
50 side effects of those agents. The course shall consist of 25  
51 contact hours, all of which may be web-based. The first course  
52 and examination shall be presented by October 1, 2013, and shall  
53 be administered at least annually thereafter. The course shall  
54 be developed and offered jointly by a statewide professional  
55 association of physicians in this state accredited to provide  
56 educational activities designated for the American Medical  
57 Association Physician's Recognition Award (AMA PRA) Category 1  
58 credit and a statewide professional association of licensed  
59 practitioners that provides board-approved continuing education  
60 on an annual basis. The board shall review and approve the  
61 content of the initial course and examination if it determines  
62 the course and examination adequately and reliably satisfy the  
63 criteria set forth in this section. The board shall thereafter  
64 annually review and approve the course and examination if it  
65 determines the content continues to adequately and reliably  
66 satisfy the criteria set forth in this section. Successful  
67 completion of the board-approved course and examination may be  
68 used by a certified optometrist to satisfy 25 hours of the  
69 continuing education requirements in s. 463.007(3), only for the  
70 biennial period in which the board-approved course and  
71 examination were taken. If a certified optometrist does not  
72 complete a board-approved course and examination under this

495363

Approved For Filing: 3/20/2013 1:54:38 PM

Amendment No.

73 section, the certified optometrist is only authorized to  
74 administer and prescribe ocular pharmaceutical agents by topical  
75 application.

76 (2) (a) There is ~~hereby~~ created a committee composed of two  
77 certified optometrists licensed pursuant to this chapter,  
78 appointed by the Board of Optometry, two board-certified  
79 ophthalmologists licensed pursuant to chapter 458 or chapter  
80 459, appointed by the Board of Medicine, and one additional  
81 person with a doctorate degree in pharmacology who is not  
82 licensed pursuant to chapter 458, chapter 459, or this chapter,  
83 appointed by the State Surgeon General. The committee shall  
84 review requests for additions to, deletions from, or  
85 modifications of a formulary of ~~topical~~ ocular pharmaceutical  
86 agents for administration and prescription by certified  
87 optometrists and shall provide to the board advisory opinions  
88 and recommendations on such requests. The advisory opinions and  
89 recommendations must state specific findings of fact and grounds  
90 for its recommendation and are not subject to review pursuant to  
91 ss. 120.569 and 120.57. The formulary shall consist of those  
92 ~~topical~~ ocular pharmaceutical agents that are appropriate to  
93 treat and diagnose ocular diseases and disorders and that ~~which~~  
94 the certified optometrist is qualified to use in the practice of  
95 optometry. The board shall establish, add to, delete from, or  
96 modify the formulary by rule. The board is bound by the  
97 committee's advisory opinions and recommendations on oral ocular  
98 pharmaceutical agents unless competent substantial evidence is  
99 presented to the board sufficient to rebut the committee's  
100 advisory opinion and recommendation. Notwithstanding any

495363

Approved For Filing: 3/20/2013 1:54:38 PM

Amendment No.

101 provision of chapter 120 to the contrary, the formulary rule  
102 becomes ~~shall become~~ effective 60 days after ~~from~~ the date it is  
103 filed with the Secretary of State.

104 (b) The formulary may be added to, deleted from, or  
105 modified according to the procedure described in paragraph (a).  
106 Any person who requests an addition, deletion, or modification  
107 of an authorized ~~topical~~ ocular pharmaceutical agent shall have  
108 the burden of proof to show cause why such addition, deletion,  
109 or modification should be made.

110 (c) The State Surgeon General shall have standing to  
111 challenge any rule or proposed rule of the board pursuant to s.  
112 120.56. In addition to challenges for any invalid exercise of  
113 delegated legislative authority, the administrative law judge,  
114 upon such a challenge by the State Surgeon General, may declare  
115 all or part of a rule or proposed rule invalid if it:

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

118 2. Unreasonably restricts competition or the availability  
119 of professional services in the state or in a significant part  
120 of the state; or

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

123  
124 However, there shall not be created a presumption of the  
125 existence of any of the conditions cited in this subsection in  
126 the event that the rule or proposed rule is challenged.

127 (d) Upon adoption of the formulary required by this  
128 section, and upon each addition, deletion, or modification to

Amendment No.

129 the formulary, the board shall mail a copy of the amended  
130 formulary to each certified optometrist and to each pharmacy  
131 licensed by the state.

132 (3) A certified optometrist shall be issued a prescriber  
133 number by the board. Any prescription written by a certified  
134 optometrist for an ~~a topical~~ ocular pharmaceutical agent  
135 pursuant to this section shall have the prescriber number  
136 printed thereon.

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

139 463.0057 Optometric faculty certificate.—

140 (3) The holder of a faculty certificate may engage in the  
141 practice of optometry as permitted by this section, but may not  
142 administer or prescribe ~~topical~~ ocular pharmaceutical agents  
143 unless the certificateholder has satisfied the requirements of  
144 s. 463.006(1)(b)4. and 5. If a certificateholder wishes to  
145 administer or prescribe oral ocular pharmaceutical agents, the  
146 certificateholder must also satisfy the requirements under s.  
147 463.0055(1)(b).

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

150 463.006 Licensure and certification by examination.—

151 (2) The examination shall consist of the appropriate  
152 subjects, including applicable state laws and rules and general  
153 and ocular pharmacology with emphasis on the use ~~topical~~  
154 ~~application~~ and side effects of ocular pharmaceutical agents.  
155 The board may by rule substitute a national examination as part

Amendment No.

156 or all of the examination and may by rule offer a practical  
157 examination in addition to the written examination.

158 (3) Each applicant who successfully passes the examination  
159 and otherwise meets the requirements of this chapter is entitled  
160 to be licensed as a practitioner and to be certified to  
161 administer and prescribe ~~topical~~ ocular pharmaceutical agents in  
162 the diagnosis and treatment of ocular conditions.

163 Section 6. Subsections (10) and (11) are added to section  
164 463.0135, Florida Statutes, to read:

165 463.0135 Standards of practice.-

166 (10) A certified optometrist is authorized to perform any  
167 eye examination, including a dilated examination, required or  
168 authorized by chapter 548 or by rules adopted to implement that  
169 chapter.

170 (11) Comanagement of postoperative care shall be conducted  
171 pursuant to the requirements of this section and a patient-  
172 specific transfer of care letter that governs the relationship  
173 between the physician who performed surgery and the licensed  
174 practitioner. The patient must be fully informed of, and consent  
175 in writing to, the comanagement relationship for his or her  
176 care. The transfer of care letter shall confirm that it is not  
177 medically necessary for the physician who performed the surgery  
178 to provide such postoperative care to the patient, and that it  
179 is clinically appropriate for the licensed practitioner to  
180 provide such postoperative care. Before comanagement of post-  
181 operative care commences, the patient shall be informed in  
182 writing that he or she has the right to be seen by the physician  
183 who performed the surgery during the entire postoperative

Amendment No.

184 period. In addition, the patient must be informed of the fees,  
185 if any, to be charged by the licensed practitioner and the  
186 physician performing the surgery, and must be provided with an  
187 accurate and comprehensive itemized statement of the specific  
188 postoperative-care services that the physician performing the  
189 surgery and the licensed practitioner render, along with the  
190 charge for each service.

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

193 463.014 Certain acts prohibited.—

194 (3) Prescribing, ordering, dispensing, administering,  
195 supplying, selling, or giving any drug for the purpose of  
196 treating a systemic disease ~~systemic drugs~~ by a licensed  
197 practitioner is prohibited. However, a certified optometrist is  
198 permitted to use commonly accepted means or methods to  
199 immediately address incidents of anaphylaxis.

200 (4) Surgery of any kind, ~~including the use of lasers,~~ is  
201 expressly prohibited. Certified optometrists may remove  
202 superficial foreign bodies. For the purposes of this subsection,  
203 the term "superficial foreign bodies" means any foreign matter  
204 that is embedded in the conjunctiva or cornea but which has not  
205 penetrated the globe. Nothing in this subsection shall prohibit  
206 a certified optometrist from providing any optometric care  
207 within the definition of s. 463.002(6), such as removing an  
208 eyelash by epilation, probing an uninflamed tear duct, or  
209 scraping for the purpose of taking a culture of the surface of  
210 the cornea.

211 Section 8. Paragraph (d) of subsection (1) of section



Amendment No.

212 893.055, Florida Statutes, is amended to read:

213 893.055 Prescription drug monitoring program.—

214 (1) As used in this section, the term:

215 (d) "Health care practitioner" or "practitioner" means any  
216 practitioner who is subject to licensure or regulation by the  
217 department under chapter 458, chapter 459, chapter 461, chapter  
218 462, chapter 463, chapter 464, chapter 465, or chapter 466.

219  
220 -----

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

221 Remove lines 8-46 and insert:  
222 of ocular pharmaceutical agents; amending s. 463.0055,  
223 F.S.; requiring a certified optometrist to complete a  
224 course and examination on general and ocular  
225 pharmaceutical agents before administering or  
226 prescribing those agents; requiring the certified  
227 optometrist to provide proof to the department of  
228 successful completion of a course and subsequent  
229 examination; providing for course hours; providing for  
230 development and administration of the course and  
231 examination; revising provisions relating to the  
232 development of a formulary of ocular pharmaceutical  
233 agents; providing that the committee's advisory  
234 opinions and recommendations state specific findings  
235 of fact and grounds for recommendations; providing an  
236 exception to review; providing that the board is bound  
237 by the committee's advisory opinions and  
238 recommendations unless competent substantial evidence  
239

Amendment No.

240 is presented to the board to rebut; amending s.  
241 463.0057, F.S.; prohibiting the holder of an  
242 optometric faculty certificate from administering or  
243 prescribing ocular pharmaceutical agents; amending s.  
244 463.006, F.S.; revising provisions relating to  
245 licensure and certification of optometrists; amending  
246 s. 463.0135, F.S.; authorizing a certified optometrist  
247 to perform certain eye examinations; requiring a  
248 comanagement letter to transfer a patient for  
249 postoperative care; requiring patient consent;  
250 requiring the patient to be informed of the fees and  
251 provided an itemized statement of services; amending  
252 s. 463.014, F.S.; prohibiting a licensed practitioner  
253 of optometry from providing any drug for the purpose  
254 of treating a systemic disease; providing a definition  
255 of the term "surgery" as used in provisions  
256 prohibiting specified acts; amending s. 893.055, F.S.;  
257 revising the definition of the term "health care  
258 practitioner" or "practitioner" to include  
259 optometrists for purposes of provisions for the  
260 prescription drug monitoring program;