

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WITHDRAWN	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>	

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1 Committee/Subcommittee hearing bill: Health Quality  
2 Subcommittee

3 Representative Caldwell offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Be It Enacted by the Legislature of the State of Florida:

8

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

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

14 (3)

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

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

23 (5) "Ocular pharmaceutical agents" means a pharmaceutical  
24 agent that is administered through a topical or oral  
25 application; any other route of administration is prohibited.

26 ~~(5)~~(6) "Optometry" means the diagnosis of conditions of the  
27 human eye and its appendages; the employment of any objective or  
28 subjective means or methods, including the administration of  
29 ~~topical~~ ocular pharmaceutical agents, for the purpose of  
30 determining the refractive powers of the human eyes, or any  
31 visual, muscular, neurological, or anatomic anomalies of the  
32 human eyes and their appendages; and the prescribing and  
33 employment of lenses, prisms, frames, mountings, contact lenses,  
34 orthoptic exercises, light frequencies, and any other means or  
35 methods, including ~~topical~~ ocular pharmaceutical agents, for the  
36 correction, remedy, or relief of any insufficiencies or abnormal  
37 conditions of the human eyes and their appendages.

38 Section 2. Paragraph (g) of subsection (1) of section  
39 463.005, Florida Statutes, is amended to read:

40 463.005 Authority of the board.—

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

45 (g) Administration and prescription of ~~topical~~ ocular  
46 pharmaceutical agents.

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47 Section 3. Section 463.0055, Florida Statutes, is amended  
48 to read:

49 463.0055 Administration and prescription of ~~topical~~ ocular  
50 pharmaceutical agents; committee.—

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

60 (b) Before a certified optometrist may administer or  
61 prescribe ocular pharmaceutical agents, the certified  
62 optometrist must complete a course and subsequent examination on  
63 general and ocular pharmaceutical agents and the side effects of  
64 those agents. For certified optometrists licensed before January  
65 1, 1990, the course shall consist of 50 contact hours and 25 of  
66 those hours shall be web-based. For certified optometrists  
67 licensed on or after January 1, 1990, the course shall consist  
68 of 20 contact hours and 10 of those hours shall be web-based.  
69 The first course and examination shall be presented by July 1,  
70 2013, and shall be administered at least annually thereafter.  
71 The Florida Medical Association and the Florida Optometric  
72 Association shall jointly develop and administer a course and  
73 examination for such purpose and jointly determine the site or  
74 sites for the course and examination. If a certified

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75 optometrist does not complete a course and subsequent  
76 examination under this paragraph, the certified optometrist is  
77 only authorized to administer ocular pharmaceutical agents by  
78 topical application.

79 (2) (a) There is ~~hereby~~ created a committee composed of two  
80 certified optometrists licensed pursuant to this chapter,  
81 appointed by the Board of Optometry, two board-certified  
82 ophthalmologists licensed pursuant to chapter 458 or chapter  
83 459, appointed by the Board of Medicine, and one additional  
84 person with a doctorate degree in pharmacology who is not  
85 licensed pursuant to chapter 458, chapter 459, or this chapter,  
86 appointed by the State Surgeon General. The committee shall  
87 review requests for additions to, deletions from, or  
88 modifications of a formulary of ~~topical~~ ocular pharmaceutical  
89 agents for administration and prescription by certified  
90 optometrists and shall provide to the board advisory opinions  
91 and recommendations on such requests. The formulary shall  
92 consist of those ~~topical~~ ocular pharmaceutical agents which are  
93 appropriate to treat and diagnose ocular diseases and disorders  
94 and which the certified optometrist is qualified to use in the  
95 practice of optometry. The board shall establish, add to, delete  
96 from, or modify the formulary by rule. Notwithstanding any  
97 provision of chapter 120 to the contrary, the formulary rule  
98 shall become effective 60 days from the date it is filed with  
99 the Secretary of State.

100 (b) The formulary may be added to, deleted from, or  
101 modified according to the procedure described in paragraph (a).  
102 Any person who requests an addition, deletion, or modification

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103 of an authorized ~~topical~~ ocular pharmaceutical agent shall have  
104 the burden of proof to show cause why such addition, deletion,  
105 or modification should be made.

106 (c) The State Surgeon General shall have standing to  
107 challenge any rule or proposed rule of the board pursuant to s.  
108 120.56. In addition to challenges for any invalid exercise of  
109 delegated legislative authority, the administrative law judge,  
110 upon such a challenge by the State Surgeon General, may declare  
111 all or part of a rule or proposed rule invalid if it:

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

114 2. Unreasonably restricts competition or the availability  
115 of professional services in the state or in a significant part  
116 of the state; or

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

119  
120 However, there shall not be created a presumption of the  
121 existence of any of the conditions cited in this subsection in  
122 the event that the rule or proposed rule is challenged.

123 (d) Upon adoption of the formulary required by this  
124 section, and upon each addition, deletion, or modification to  
125 the formulary, the board shall mail a copy of the amended  
126 formulary to each certified optometrist and to each pharmacy  
127 licensed by the state.

128 (3) A certified optometrist shall be issued a prescriber  
129 number by the board. Any prescription written by a certified  
130 optometrist for a ~~topical-ocular~~ pharmaceutical agent pursuant

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131 to this section shall have the prescriber number printed  
132 thereon.

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

135 463.0057 Optometric faculty certificate.—

136 (3) The holder of a faculty certificate may engage in the  
137 practice of optometry as permitted by this section, but may not  
138 administer or prescribe ~~topical~~ ocular pharmaceutical agents  
139 unless the certificateholder has satisfied the requirements of  
140 ss. 463.0055(1)(b) and 463.006(1)(b)4. and 5.

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

143 463.006 Licensure and certification by examination.—

144 (2) The examination shall consist of the appropriate  
145 subjects, including applicable state laws and rules and general  
146 and ocular pharmacology with emphasis on the use ~~topical~~  
147 ~~application~~ and side effects of ocular pharmaceutical agents.  
148 The board may by rule substitute a national examination as part  
149 or all of the examination and may by rule offer a practical  
150 examination in addition to the written examination.

151 (3) Each applicant who successfully passes the examination  
152 and otherwise meets the requirements of this chapter is entitled  
153 to be licensed as a practitioner and to be certified to  
154 administer and prescribe ~~topical~~ ocular pharmaceutical agents in  
155 the diagnosis and treatment of ocular conditions.

156 Section 6. Subsection (10) is added to section 463.0135,  
157 Florida Statutes, to read:

158 463.0135 Standards of practice.—

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159       (10) A certified optometrist is authorized to perform any  
160 eye examination, including a dilated examination, required or  
161 authorized by chapter 548 or by rules adopted to implement that  
162 chapter.

163       Section 7. Subsection (3) of section 463.014, Florida  
164 Statutes, is amended to read:

165       463.014 Certain acts prohibited.—

166       (3) Prescribing, ordering, dispensing, administering,  
167 supplying, selling, or giving any drug for the purpose of  
168 treating a systemic disease ~~systemic drugs~~ by a licensed  
169 practitioner is prohibited.

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

172       483.035 Clinical laboratories operated by practitioners  
173 for exclusive use; licensure and regulation.—

174       (1) A clinical laboratory operated by one or more  
175 practitioners licensed under chapter 458, chapter 459, chapter  
176 460, chapter 461, chapter 462, chapter 463, or chapter 466,  
177 exclusively in connection with the diagnosis and treatment of  
178 their own patients, must be licensed under this part and must  
179 comply with the provisions of this part, except that the agency  
180 shall adopt rules for staffing, for personnel, including  
181 education and training of personnel, for proficiency testing,  
182 and for construction standards relating to the licensure and  
183 operation of the laboratory based upon and not exceeding the  
184 same standards contained in the federal Clinical Laboratory  
185 Improvement Amendments of 1988 and the federal regulations  
186 adopted thereunder.

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

189 483.041 Definitions.—As used in this part, the term:

190 (7) "Licensed practitioner" means a physician licensed  
191 under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 461, or  
192 a certified optometrist licensed under chapter 463; a dentist  
193 licensed under chapter 466; a person licensed under chapter 462;  
194 or an advanced registered nurse practitioner licensed under part  
195 I of chapter 464; or a duly licensed practitioner from another  
196 state licensed under similar statutes who orders examinations on  
197 materials or specimens for nonresidents of the State of Florida,  
198 but who reside in the same state as the requesting licensed  
199 practitioner.

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

202 483.181 Acceptance, collection, identification, and  
203 examination of specimens.—

204 (5) A clinical laboratory licensed under this part must  
205 accept a human specimen submitted for examination by a  
206 practitioner licensed under chapter 458, chapter 459, chapter  
207 460, chapter 461, chapter 462, chapter 463, s. 464.012, or  
208 chapter 466, if the specimen and test are the type performed by  
209 the clinical laboratory. A clinical laboratory may only refuse a  
210 specimen based upon a history of nonpayment for services by the  
211 practitioner. A clinical laboratory shall not charge different  
212 prices for tests based upon the chapter under which a  
213 practitioner submitting a specimen for testing is licensed.



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214 Section 11. Subsection (21) of section 893.02, Florida  
215 Statutes, is amended to read:

216 893.02 Definitions.—The following words and phrases as  
217 used in this chapter shall have the following meanings, unless  
218 the context otherwise requires:

219 (21) "Practitioner" means a physician licensed pursuant to  
220 chapter 458, a dentist licensed pursuant to chapter 466, a  
221 veterinarian licensed pursuant to chapter 474, an osteopathic  
222 physician licensed pursuant to chapter 459, a naturopath  
223 licensed pursuant to chapter 462, a certified optometrist  
224 licensed pursuant to chapter 463, or a podiatric physician  
225 licensed pursuant to chapter 461, provided such practitioner  
226 holds a valid federal controlled substance registry number.

227 Section 12. Subsection (1) of section 893.05, Florida  
228 Statutes, is amended to read:

229 893.05 Practitioners and persons administering controlled  
230 substances in their absence.—

231 (1) A practitioner, in good faith and in the course of his  
232 or her professional practice only, may prescribe, administer,  
233 dispense, mix, or otherwise prepare a controlled substance, or  
234 the practitioner may cause the same to be administered by a  
235 licensed nurse or an intern practitioner under his or her  
236 direction and supervision only. A veterinarian may so prescribe,  
237 administer, dispense, mix, or prepare a controlled substance for  
238 use on animals only, and may cause it to be administered by an  
239 assistant or orderly under the veterinarian's direction and  
240 supervision only. A certified optometrist licensed under chapter

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241 463 may not administer or prescribe pharmaceutical agents listed  
242 in Schedule I or Schedule II of s. 893.03.

243 Section 13. This act shall take effect July 1, 2013.  
244  
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247 **T I T L E A M E N D M E N T**

248 Remove everything before the enacting clause and insert:

249 A bill to be entitled

250 An act relating to the practice of optometry; amending s.  
251 463.002, F.S.; specifying that a certified optometrist is  
252 authorized to administer and prescribe ocular pharmaceutical  
253 agents; providing a definition; amending s. 463.005, F.S.;  
254 authorizing the Board of Optometry to adopt rules relating to  
255 the administration and prescription of ocular pharmaceutical  
256 agents; amending s. 463.0055, F.S.; requiring a certified  
257 optometrist to complete a course and examination on general and  
258 ocular pharmaceutical agents before administering or prescribing  
259 ocular pharmaceutical agents; providing an exception; specifying  
260 the number of required course hours based on the date of  
261 licensure; requiring the Florida Medical Association and the  
262 Florida Optometric Association to jointly develop and administer  
263 the course and examination; revising provisions relating to the  
264 development of a formulary of ocular pharmaceutical agents;  
265 amending s. 463.0057, F.S.; prohibiting the holder of an  
266 optometric faculty certificate from administering or prescribing  
267 ocular pharmaceutical agents; amending s. 463.006, F.S.;  
268 revising provisions relating to licensure and certification of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 239 (2013)

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269 | optometrists; amending s. 463.0135, F.S.; authorizing a  
270 | certified optometrist to perform certain eye examinations;  
271 | amending s. 463.014, F.S.; prohibiting a licensed practitioner  
272 | of optometry from providing any drug for the purpose of treating  
273 | a systemic disease; amending s. 483.035, F.S.; requiring a  
274 | clinical laboratory operated by a licensed practitioner of  
275 | optometry to be licensed under pt. I of ch. 463, F.S.; amending  
276 | s. 483.041, F.S.; revising the definition of the term "licensed  
277 | practitioner" to include certified optometrists; amending s.  
278 | 483.181, F.S.; providing for an optometrist to accept a human  
279 | specimen for examination, under certain conditions; amending s.  
280 | 893.02, F.S.; redefining the term "practitioner" to include  
281 | certified optometrists; amending s. 893.05, F.S.; prohibiting a  
282 | certified optometrist from administering or prescribing  
283 | pharmaceutical agents listed in Schedule I or Schedule II of the  
284 | Florida Comprehensive Drug Abuse Prevention and Control Act;  
285 | providing an effective date.