

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WITHDRAWN	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 Diaz, M. offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 56-381 and insert:

7 (3) "Certified optometrist in ophthalmic procedures" means
 8 a licensed practitioner authorized by the board to perform
 9 ophthalmic surgery except for the procedures excluded pursuant
 10 to s.463.0056(2).

11 (6)(2) "Department" means the Department of Health.

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

15 (b) A licensed practitioner who is not a certified
 16 optometrist in pharmaceutical agents is ~~shall be~~ required to

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17 display at her or his place of practice a sign that ~~which~~
18 states, "I am a Licensed Practitioner, not a Certified
19 Optometrist in Pharmaceutical Agents, and I am not able to
20 prescribe ocular pharmaceutical agents."

21 (c) All practitioners initially licensed after July 1,
22 1993, must be certified optometrists in pharmaceutical agents.

23 (d) A licensed practitioner who is not a certified
24 optometrist in ophthalmic procedures is required to display at
25 her or his place of practice a sign that states, "I am a
26 Licensed Practitioner, not a Certified Optometrist in Ophthalmic
27 Procedures, and I am not able to perform laser or non-laser
28 ophthalmic surgery."

29 (4) "Certified optometrist in pharmaceutical agents" means
30 a licensed practitioner authorized by the board to administer
31 and prescribe ocular pharmaceutical agents.

32 ~~(10)(5)~~ "Ocular pharmaceutical agent" means any
33 prescription or nonprescription drug delivered by any route of
34 administration, used or prescribed for the diagnosis, treatment,
35 prevention, or mitigation of abnormal conditions and diseases of
36 the human eye and its adnexa and visual system, or products that
37 may be used for such purposes, and approved narcotics when used
38 in the treatment of disorders or diseases of the eye and its
39 adnexa and visual system. The term does not include any drug or
40 other substance that is prohibited from use by a licensed
41 practitioner and is listed in Schedule I of the federal

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42 Controlled Substances Act, 21 U.S.C. s. 812(c) a pharmaceutical
43 agent that is administered topically or orally for the diagnosis
44 or treatment of ocular conditions of the human eye and its
45 appendages without the use of surgery or other invasive
46 techniques.

47 (11)(6) "Ophthalmic surgery" means a procedure performed
48 on the human eye and its adnexa and visual system in which human
49 tissue is injected, cut, burned, frozen, sutured, vaporized,
50 coagulated, or photodisrupted by the use of surgical
51 instrumentation such as, but not limited to, a scalpel, a
52 cryoprobe, a laser, an electric cautery, or ionizing radiation
53 using an instrument, including a laser, scalpel, or needle, in
54 which human tissue is cut, burned, scraped except as provided in
55 s. 463.014(4), or vaporized, by incision, injection, ultrasound,
56 laser, infusion, cryotherapy, or radiation. The term includes a
57 procedure using an instrument which requires the closure of
58 human tissue by suture, clamp, or other such device.

59 (12)(7) "Optometry" means the practice in which a person:

60 (a) Employs primary eye care procedures, including the
61 prescription of ocular pharmaceutical agents, medical devices,
62 and ophthalmic surgery;

63 (b) Measures the power and range of vision of the human
64 eye using subjective and objective means, including the use of
65 lenses and prisms before the eye, autorefractors, and other

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66 automated testing devices to determine the eye's accommodative
67 and refractive state and general scope of function;

68 (c) Engages in the adaption, sale, and dispensing of
69 frames and lenses in all their forms, including plano or zero
70 power contact lenses, to overcome errors of refraction and
71 restore, as nearly as possible, normal human vision, or for
72 orthotic, prosthetic, therapeutic, or cosmetic purposes with
73 respect to contact lenses; or

74 (d) Examines for, diagnoses, and treats abnormal
75 conditions and diseases of the human eye and its adnexa and
76 visual system, including the use or prescription of vision
77 therapy, ocular exercises, rehabilitation therapy, subnormal
78 vision therapy, appropriate diagnostic lab or imaging tests, and
79 samples to initiate treatment ~~diagnosis of conditions of the~~
80 ~~human eye and its appendages; the employment of any objective or~~
81 ~~subjective means or methods, including the administration of~~
82 ~~ocular pharmaceutical agents, for the purpose of determining the~~
83 ~~refractive powers of the human eyes, or any visual, muscular,~~
84 ~~neurological, or anatomic anomalies of the human eyes and their~~
85 ~~appendages; and the prescribing and employment of lenses,~~
86 ~~prisms, frames, mountings, contact lenses, orthoptic exercises,~~
87 ~~light frequencies, and any other means or methods, including~~
88 ~~ocular pharmaceutical agents, for the correction, remedy, or~~
89 ~~relief of any insufficiencies or abnormal conditions of the~~
90 ~~human eyes and their appendages.~~

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91 ~~(7)-(8)~~ "Direct supervision" means supervision to an extent
92 that the licensee remains on the premises while all procedures
93 are being done and gives final approval to any procedures
94 performed by an employee.

95 ~~(8)-(9)~~ "General supervision" means the responsible
96 supervision of supportive personnel by a licensee who need not
97 be present when such procedures are performed, but who assumes
98 legal liability therefor. Except in cases of emergency, "general
99 supervision" shall require the easy availability or physical
100 presence of the licensee for consultation with and direction of
101 the supportive personnel.

102 ~~(1)-(10)~~ "Adnexa Appendages" means the eyelids, the
103 eyebrows, the conjunctiva, and the lacrimal apparatus.

104 ~~(13)-(11)~~ "Transcript-quality" means a course which is in
105 conjunction with or sponsored by a school or college of
106 optometry or equivalent educational entity, which course is
107 approved by the board and requires a test and passing grade.

108 ~~(5)-(12)~~ "Clock hours" means the actual time engaged in
109 approved coursework and clinical training.

110 Section 2. Subsections (3) and (4) are added to section
111 463.005, Florida Statutes, to read:

112 463.005 Authority of the board.—

113 (3) The board has the sole authority to determine what
114 constitutes the practice of optometry and to exercise any powers
115 and duties conferred on it under this chapter. The board may

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116 issue advisory opinions and declaratory rulings related to this
117 chapter and the administrative rules adopted under this chapter.

118 (4) This chapter may not be construed to authorize an
119 agency or a medical board or entity of this state other than the
120 board to determine what constitutes the practice of optometry.

121 Section 3. Section 463.0055, Florida Statutes, is amended
122 to read:

123 463.0055 Administration and prescription of ocular
124 pharmaceutical agents.—

125 (1) (a) Certified optometrists in pharmaceutical agents may
126 administer and prescribe ocular pharmaceutical agents as
127 provided in this section for the diagnosis and treatment of
128 ocular conditions of the human eye and its adnexa and visual
129 system appendages ~~without the use of surgery or other invasive~~
130 ~~techniques~~. However, a licensed practitioner who is not a
131 certified optometrist in pharmaceutical agents may use topically
132 applied anesthetics solely for the purpose of glaucoma
133 examinations, but is otherwise prohibited from administering or
134 prescribing ocular pharmaceutical agents.

135 (b) To become ~~Before~~ a certified optometrist in
136 pharmaceutical agents, ~~may administer or prescribe oral ocular~~
137 ~~pharmaceutical agents,~~ the certified optometrist a licensed
138 practitioner must provide proof to the department of ~~successful~~
139 completion of a board-approved course and passage of a
140 subsequent board-approved examination, ~~approved by the board,~~ on

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141 general and ocular pharmaceutical agents and the side effects of
142 those agents. The course must ~~shall~~ consist of 20 contact hours,
143 all of which may be web-based. The first course and examination
144 shall be presented by October 1, 2013, and shall be administered
145 at least annually thereafter. The course and examination shall
146 be developed and offered jointly by a statewide professional
147 association of physicians in this state accredited to provide
148 educational activities designated for the American Medical
149 Association Physician's Recognition Award (AMA PRA) Category 1
150 credit and a statewide professional association of licensed
151 practitioners which provides board-approved continuing education
152 on an annual basis. The board shall review and approve the
153 content of the initial course and examination if the board
154 determines that the course and examination adequately and
155 reliably satisfy the criteria set forth in this section. The
156 board shall thereafter annually review and approve the course
157 and examination if the board determines that the content
158 continues to adequately and reliably satisfy the criteria set
159 forth in this section. Successful completion of the board-
160 approved course and examination may be used by a licensed
161 practitioner ~~certified optometrist~~ to satisfy 20 hours of the
162 continuing education requirements in s. 463.007(3), only for the
163 biennial period in which the board-approved course and
164 examination are taken. If a licensed practitioner ~~certified~~
165 ~~optometrist~~ does not complete a board-approved course and

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166 examination under this section, the licensed practitioner may
167 ~~certified optometrist is only authorized to~~ administer and
168 prescribe only topically applied anesthetics solely for the
169 purpose of glaucoma examinations, but is otherwise prohibited
170 from administering or prescribing ~~topical~~ ocular pharmaceutical
171 agents.

172 (2) (a) The board shall establish a formulary of ~~topical~~
173 ocular pharmaceutical agents that may be prescribed and
174 administered by a certified optometrist in pharmaceutical
175 agents. The formulary must ~~shall~~ consist of those ~~topical~~ ocular
176 pharmaceutical agents that are appropriate to treat or diagnose
177 ocular diseases and disorders and that the certified optometrist
178 in pharmaceutical agents is qualified to use in the practice of
179 optometry. The board shall establish, add to, delete from, or
180 modify the ~~topical~~ formulary by rule. Notwithstanding any
181 provision of chapter 120 to the contrary, the ~~topical~~ formulary
182 rule becomes effective 20 ~~60~~ days from the date it is filed with
183 the Secretary of State.

184 (b) The formulary may be added to, deleted from, or
185 modified according to the procedure described in paragraph (a).
186 Any person who requests an addition, deletion, or modification
187 of an authorized topical ocular pharmaceutical agent shall have
188 the burden of proof to show cause why such addition, deletion,
189 or modification should be made.

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190 (c) The State Surgeon General shall have standing to
191 challenge any rule or proposed rule of the board pursuant to s.
192 120.56. In addition to challenges for any invalid exercise of
193 delegated legislative authority, the administrative law judge,
194 upon such a challenge by the State Surgeon General, may declare
195 all or part of a rule or proposed rule invalid if it:

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

198 2. Unreasonably restricts competition or the availability
199 of professional services in the state or in a significant part
200 of the state; or

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

203
204 However, there shall not be created a presumption of the
205 existence of any of the conditions cited in this subsection in
206 the event that the rule or proposed rule is challenged.

207 (d) Upon adoption of the formulary required by this
208 section, and upon each addition, deletion, or modification to
209 the formulary, the board shall mail a copy of the amended
210 formulary to each certified optometrist in pharmaceutical agents
211 and to each pharmacy licensed by the state.

212 ~~(3) In addition to the formulary of topical ocular~~
213 ~~pharmaceutical agents established by rule of the board, there is~~

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214 ~~created a statutory formulary of oral ocular pharmaceutical~~
215 ~~agents, which includes the following agents:~~

216 ~~(a) The following analgesics or their generic or~~
217 ~~therapeutic equivalents, which may not be administered or~~
218 ~~prescribed for more than 72 hours without consultation with a~~
219 ~~physician licensed under chapter 458 or chapter 459 who is~~
220 ~~skilled in diseases of the eye:~~

- 221 ~~1. Tramadol hydrochloride.~~
222 ~~2. Acetaminophen 300 mg with No. 3 codeine phosphate 30~~
223 ~~mg.~~

224 ~~(b) The following antibiotics or their generic or~~
225 ~~therapeutic equivalents:~~

- 226 ~~1. Amoxicillin with or without clavulanic acid.~~
227 ~~2. Azithromycin.~~
228 ~~3. Erythromycin.~~
229 ~~4. Dicloxacillin.~~
230 ~~5. Doxycycline/Tetracycline.~~
231 ~~6. Keflex.~~
232 ~~7. Minocycline.~~

233 ~~(c) The following antivirals or their generic or~~
234 ~~therapeutic equivalents:~~

- 235 ~~1. Acyclovir.~~
236 ~~2. Famciclovir.~~
237 ~~3. Valacyclovir.~~

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238 ~~(d) The following oral anti-glaucoma agents or their~~
239 ~~generic or therapeutic equivalents, which may not be~~
240 ~~administered or prescribed for more than 72 hours:~~

241 1. ~~Acetazolamide.~~

242 2. ~~Methazolamide.~~

243 (e) Any oral ocular pharmaceutical agent that is in the
244 formulary established by the board under paragraph (a) listed in
245 ~~the statutory formulary set forth in this subsection~~ and that is
246 subsequently determined by the United States Food and Drug
247 Administration to be unsafe for administration or prescription
248 shall be considered to have been deleted from the formulary of
249 ~~oral~~ ocular pharmaceutical agents. ~~The oral ocular~~
250 ~~pharmaceutical agents on the statutory formulary set forth in~~
251 ~~this subsection may not otherwise be deleted by the board, the~~
252 ~~department, or the State Surgeon General.~~

253 (3)-(4) A certified optometrist in pharmaceutical agents
254 shall be issued a prescriber number by the board. Any
255 prescription written by a certified optometrist in
256 pharmaceutical agents for an ocular pharmaceutical agent
257 pursuant to this section must ~~shall~~ have the prescriber number
258 printed thereon. A certified optometrist in pharmaceutical
259 agents may not administer or prescribe:

260 ~~(a) a controlled substance listed in Schedule I of the~~
261 Controlled Substances Act, 21 U.S.C. s. 812(c) III, Schedule IV,
262 ~~or Schedule V of s. 893.03, except for an oral analgesic placed~~

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263 ~~on the formulary pursuant to this section for the relief of pain~~
264 ~~due to ocular conditions of the eye and its appendages.~~

265 ~~(b) A controlled substance for the treatment of chronic~~
266 ~~nonmalignant pain as defined in s. 456.44(1)(e).~~

267 Section 4. Section 463.0056, Florida Statutes, is created
268 to read:

269 463.0056 Administration and performance of laser and non-
270 laser surgical procedures.-

271 (1) (a) Certified optometrists in ophthalmic procedures may
272 perform laser and non-laser ophthalmic surgery as provided in
273 this section. To become a certified optometrist in ophthalmic
274 procedures, a licensed practitioner must provide to the
275 department proof of completion of a board-approved course and
276 passage of a subsequent board-approved examination pursuant to
277 this section. A licensed practitioner who is not certified under
278 this section is prohibited from performing ophthalmic surgery.

279 (b). The course and examination shall be developed and
280 offered jointly by a statewide professional association of
281 physicians in this state accredited to provide educational
282 activities designated for the American Medical Association
283 Physician's Recognition Award (AMA PRA) Category 1 credit and a
284 statewide professional association of licensed practitioners
285 which provides board-approved continuing education on an annual
286 basis. The board shall review and approve the content of the
287 initial course and examination if the board determines that the

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288 course and examination adequately and reliably satisfy the
289 criteria set forth in this section. The board shall thereafter
290 annually review and approve the course and examination if the
291 board determines that the content continues to adequately and
292 reliably satisfy the criteria set forth in this section.
293 Successful completion of the board-approved course and
294 examination may be used by a licensed practitioner to satisfy
295 the continuing education requirements in s. 463.007(3), only for
296 the biennial period in which the board-approved course and
297 examination are taken.

298 (2) The following ophthalmic surgery procedures are
299 excluded from the scope of practice of optometry. However, a
300 licensed practitioner may perform preoperative and postoperative
301 care of these procedures:

302 (a) Laser vision correction, penetrating keratoplasty,
303 corneal transplant, or lamellar keratoplasty.

304 (b) The administration of general anesthesia.

305 (c) Surgery done with general anesthesia.

306 (d) Laser of vitreous chamber or retina of the eye to
307 treat any vitreo-macular or retinal disease.

308 (e) Surgery related to the removal of the eye from a
309 living human being.

310 (f) Surgery requiring full thickness incision or excision
311 of the cornea or sclera other than paracentesis in an emergency

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312 situation requiring immediate reduction of the pressure inside
313 the eye.

314 (g) Surgery requiring incision by scalpel of the iris and
315 ciliary body, including iris diathermy or cryotherapy.

316 (h) Surgery requiring incision of the vitreous.

317 (i) Surgery requiring incision of the retina.

318 (j) Surgical extraction of the crystalline lens.

319 (k) Surgical intraocular prosthetic implants.

320 (l) Incisional or excisional surgery of extraocular
321 muscles.

322 (m) Surgery of the eyelid for suspect eyelid malignancies
323 such as moles or for incisional cosmetic or mechanical repair of
324 blepharochalasis, ptosis, and tarsorrhaphy.

325 (n) Surgery of the boney orbit, including orbital
326 implants.

327 (o) Incisional or excisional surgery of the lacrimal
328 system other than lacrimal probing or related procedures.

329 (p) Surgery requiring full thickness conjunctivoplasty
330 with graft or flap.

331 (q) Pterygium surgery.

332 (r) Surgical procedures defined by rule of the Florida
333 Board of Medicine as Level II and Level III office surgeries.

334
335 -----

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

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337 Remove lines 9-40 and insert:
338 amending s. 463.0055, F.S.; requiring a licensed
339 practitioner to complete a board-approved course and
340 examination to become a certified optometrist in
341 pharmaceutical agents; restricting what a licensed
342 practitioner may administer or prescribe if he or she
343 does not complete a certain board-approved course and
344 examination; revising the date after which a formulary
345 rule becomes effective; deleting provisions related to
346 the creation of a statutory formulary of oral ocular
347 pharmaceutical agents; revising the conditions under
348 which an ocular pharmaceutical agent is deleted from
349 the formulary; revising the controlled substances that
350 a certified optometrist in pharmaceutical agents is
351 prohibited from prescribing and administering;
352 conforming provisions to changes made by the act;
353 creating s. 463.0056, F.S.; requiring a licensed
354 practitioner to complete a board-approved course and
355 examination to become a certified optometrist in
356 ophthalmic procedures; authorizing a certified
357 optometrist in ophthalmic procedures to perform laser
358 and non-laser ophthalmic surgery; providing
359 requirements for the development and offering of such
360 course and examination; requiring the board to review
361 and approve the content of the initial course and

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362 examination if it determines the course and
363 examination satisfy certain requirements; requiring an
364 annual review thereafter; authorizing the successful
365 completion of the course and examination to be used by
366 a licensed practitioner to satisfy continuing
367 education requirements; prohibiting a certified
368 optometrist in ophthalmic procedures from performing
369 specified surgery