A bill to be entitled
An act relating to optometry; reordering and amending
s. 463.002, F.S.; revising and defining terms;
amending s. 463.003, F.S.; revising the member
composition requirements for the Board of Optometry;
revising applicability; amending s. 463.005, F.S.;
revising specified rules the board must adopt;
amending s. 463.0055, F.S.; revising circumstances
under which a certified optometrist may administer or
prescribe ocular pharmaceutical agents; deleting
requirements a certified optometrist must satisfy to
administer or prescribe ocular pharmaceutical agents;
requiring the board to adopt a negative formulary of
ocular pharmaceutical agents certified optometrists
are prohibited from administering or prescribing;
deleting provisions relating to the topical and oral
ocular pharmaceutical agent formularies established by
the board; requiring the board to mail a copy of the
negative formulary to all certified optometrists and
licensed pharmacies under certain circumstances;
revising the controlled substances that certified
optometrists are prohibited from administering or
prescribing; creating s. 463.0056, F.S.; authorizing
certain certified optometrists to perform laser and
non-laser ophthalmic procedures and therapies under
certain circumstances; providing certification
requirements certified optometrists must satisfy to
perform such procedures and therapies; requiring the
board to approve the courses and examinations to be
used for certification if certain conditions are met; requiring the board to review and approve the examination annually if certain conditions are met; authorizing certified optometrists to use the board-approved course and examination to satisfy their continuing education requirements under certain circumstances; prohibiting a certified optometrist who does not complete such course and examination from performing certain ophthalmic procedures; specifying ophthalmic procedures that are excluded from the scope of practice of optometry, with an exception; amending s. 463.0057, F.S.; conforming a provision to changes made by the act; amending s. 463.006, F.S.; conforming provisions to changes made by the act; requiring the board to determine the required content, grading criteria, and passing score for the licensure examination for certified optometrists; making technical changes; amending s. 463.0135, F.S.; authorizing certified optometrists to remove superficial foreign bodies; defining the term “superficial foreign bodies”; specifying circumstances under which optometrists may perform procedures within the practice of optometry which may otherwise be considered surgery; requiring licensed practitioners who are not certified optometrists to display in their practices a sign containing specified information; amending s. 463.014, F.S.; deleting a prohibition on surgery performed by certified optometrists to conform to changes made by the act; amending ss. 463.009 and
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 463.002, Florida Statutes, is reordered and amended to read:

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

(2) "Board" means the Board of Optometry.
(5) "Department" means the Department of Health.
(8)(3)(a) "Licensed practitioner" means a person who is a primary health care provider licensed to engage in the practice of optometry under the authority of this chapter. With respect to persons initially licensed under this chapter after July 1, 1993, the term includes only certified optometrists.

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

(c) All practitioners initially licensed after July 1, 1993, must be certified optometrists.

(3)(4) "Certified optometrist" or "certified optometric physician" means a licensed practitioner authorized by the board to administer and prescribe ocular pharmaceutical agents.

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

(13)(6) “Surgery” means a procedure using an instrument, including a laser, scalpel, or needle, in which human tissue is cut, burned, scraped except as provided in s. 463.0135(12) or 463.014(4), or vaporized, by incision, injection, ultrasound, laser, infusion, cryotherapy, or radiation. The term includes a procedure using an instrument which requires the closure of human tissue by suture, clamp, or other such device.

(11)(7) “Optometry” means the diagnosis, evaluation, treatment, and management of conditions of the human eye and its appendages, including any visual, muscular, neurological, or anatomical anomalies and chronic systemic conditions relating to the eye; the determination of the refractive powers of the human eye; and the prescribing and employment of any objective or subjective means or methods, including the administration of ocular pharmaceutical agents, contact lenses, spectacle lenses, magnification lenses, vision therapy, low vision rehabilitation devices, and ophthalmic procedures and therapy, for the diagnosis, evaluation, correction, remedy, treatment, management, or relief of any insufficiency, anomaly, abnormality, or disease condition relating to the human eye or its appendages for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages, and the prescribing and employment of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, including ocular pharmaceutical agents, for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and
their appendages.

(6) "Direct supervision" means supervision to an extent that the licensee remains on the premises while all procedures are being done and gives final approval to any procedures performed by an employee.

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

(1) "Appendages" means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus.

(14) "Transcript-quality" means a course that is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity, which course is approved by the board and requires a test and passing grade.

(4) "Clock hours" means the actual time engaged in approved coursework and clinical training.

(10) "Optometrist certified in ophthalmic procedures" means a certified optometrist who is authorized under s. 463.0056 to perform board-approved laser and non-laser ophthalmic procedures and therapy in accordance with that section.

(12) "Refraction" means the use of lenses and ocular pharmaceutical agents during the course of a comprehensive medical eye examination to determine a patient’s visual, neurological, and physical requirements to attain optimal visual and perceptual performance.
Section 2. Subsections (2) and (4) of section 463.003, Florida Statutes, are amended to read:

463.003 Board of Optometry.—
(2) Five members of the board must be certified optometrists or optometrists certified in ophthalmic procedures licensed practitioners actively practicing in this state. The remaining two members must be citizens of this state who are not, and have never been, licensed practitioners and who are in no way connected with the practice of optometry or with any vision-oriented profession or business. At least one member of the board must be 60 years of age or older.
(4) All applicable provisions of chapter 456 relating to activities of regulatory boards which do not conflict with this chapter shall apply.

Section 3. Subsection (1) of section 463.005, Florida Statutes, is amended to read:
463.005 Authority of the board.—
(1) The Board of Optometry shall have authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it. Such rules must include, but need not be limited to, rules relating to all of the following:
(a) Standards of practice, including, but not limited to, those provided for in s. 463.0135.
(b) Minimum equipment that which a licensed practitioner must at all times possess to engage in the practice of optometry.
(c) Minimum procedures that which shall constitute a visual examination.
(d) Procedures for the safekeeping and transfer of prescription files or case records upon the discontinuance of practice.

(e) Supervision of supportive personnel.

(f) Courses and procedures for continuing education.

(g) Practices and procedures for the administration and prescription of ocular pharmaceutical agents.

(h) Laser and non-laser ophthalmic procedures and therapies an optometrist certified in ophthalmic procedures may perform, including, but not limited to, the standards of practice for such ophthalmic procedures and therapies.

(i) The scope of practice of optometry consistent with this chapter.

(j) Required content, grading criteria, and passing scores for the licensure examinations set forth in s. 463.006.

Section 4. Section 463.0055, Florida Statutes, is amended to read:

463.0055 Administration and prescription of ocular pharmaceutical agents.—

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

(b) Before a certified optometrist may administer or prescribe oral ocular pharmaceutical agents, the certified
optometrist must provide proof to the department of successful completion of a course and subsequent examination, approved by the board, on general and ocular pharmaceutical agents and the side effects of those agents. The course shall consist of 20 contact hours, all of which may be web-based. The first course and examination shall be presented by October 1, 2013, and shall be administered at least annually thereafter. The course and examination shall be developed and offered jointly by a statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award (AMA PRA) Category 1 credit and a statewide professional association of licensed practitioners which provides board-approved continuing education on an annual basis. The board shall review and approve the content of the initial course and examination if the board determines that the course and examination adequately and reliably satisfy the criteria set forth in this section. The board shall thereafter annually review and approve the course and examination if the board determines that the content continues to adequately and reliably satisfy the criteria set forth in this section. Successful completion of the board-approved course and examination may be used by a certified optometrist to satisfy 20 hours of the continuing education requirements in s. 463.007(3), only for the biennial period in which the board-approved course and examination are taken. If a certified optometrist does not complete a board-approved course and examination under this section, the certified optometrist is only authorized to administer and prescribe topical ocular pharmaceutical agents.
(2) (a) The board shall establish a negative formulary of topical ocular pharmaceutical agents that a certified optometrist may not administer or prescribe be prescribed and administered by a certified optometrist. The formulary shall consist of those topical ocular pharmaceutical agents that are appropriate to treat or diagnose ocular diseases and disorders and that the certified optometrist is qualified to use in the practice of optometry. The board shall establish, add to, delete from, or modify the topical formulary by rule. Notwithstanding any provision of chapter 120 to the contrary, the topical formulary rule becomes effective 60 days from the date it is filed with the Secretary of State.

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

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

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

2. Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or
3. Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

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

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

(3) In addition to the formulary of topical ocular pharmaceutical agents established by rule of the board, there is created a statutory formulary of oral ocular pharmaceutical agents, which includes the following agents:

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

1. Tramadol hydrochloride.
2. Acetaminophen 300 mg with No. 3 codeine phosphate 30 mg.

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

1. Amoxicillin with or without clavulanic acid.
2. Azithromycin.
3. Erythromycin.
4. Dicloxacillin.
5. Doxycycline/Tetracycline.
7. Minocycline.

e) The following antivirals or their generic or therapeutic equivalents:
   1. Acyclovir.
   2. Famciclovir.
   3. Valacyclovir.

(d) The following oral anti-glaucoma agents or their generic or therapeutic equivalents, which may not be administered or prescribed for more than 72 hours:
   1. Acetazolamide.
   2. Methazolamide.

Any oral ocular pharmaceutical agent that is listed in the statutory formulary set forth in this subsection and that is subsequently determined by the United States Food and Drug Administration to be unsafe for administration or prescription shall be considered to have been deleted from the formulary of oral ocular pharmaceutical agents. The oral ocular pharmaceutical agents on the statutory formulary set forth in this subsection may not otherwise be deleted by the board, the department, or the State Surgeon General.

(3) A certified optometrist shall be issued a prescriber number by the board. Any prescription written by a certified optometrist for an ocular pharmaceutical agent pursuant to this section shall have the prescriber number printed thereon. A certified optometrist may not administer or prescribe any of the following:

   (a) A controlled substance listed in Schedule II, Schedule
III, Schedule IV, or Schedule V of s. 893.03, except for an oral analgesic placed on the formulary pursuant to this section for the relief of pain due to ocular conditions of the eye and its appendages.

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

Section 5. Section 463.0056, Florida Statutes, is created to read:

463.0056 Ophthalmic Procedures.—

(1)(a) An optometrist certified in ophthalmic procedures may perform laser and non-laser ophthalmic procedures and therapies as authorized by the board but may not perform an ophthalmic procedure or therapy that requires preoperative medications or drug-induced alteration of consciousness. However, an optometrist certified in ophthalmic procedures may use medication for minimal tranquilization of the patient and local or topical anesthesia if the chances of complications requiring hospitalization of the patient as a result are remote.

(b) To be certified to perform ophthalmic procedures, a certified optometrist must first provide proof to the department of successful completion of a course and subsequent examination, approved by the board, on laser and non-laser ophthalmic procedures and therapy. The course and examination shall be developed and offered jointly by a statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 credit and a statewide professional association of licensed practitioners which provides board-approved continuing education on an annual
basis. The board shall review and approve the content of the initial course and examination if the board determines that the course and examination adequately and reliably satisfy the criteria set forth in this section. The board shall thereafter annually review and approve the examination if the board determines that the content continues to adequately and reliably satisfy the criteria set forth in this section. Successful completion of the board-approved course and examination may be used by a certified optometrist to satisfy the continuing education requirements in s. 463.007(3) only for the biennial period in which the board-approved course and examination are taken. If a certified optometrist does not complete a board-approved course and examination under this section, the certified optometrist may not perform ophthalmic procedures described in paragraph (a).

(2) The following ophthalmic procedures are excluded from the scope of practice of optometry, except for the preoperative and postoperative care of these procedures:

(a) Laser vision correction, penetrating keratoplasty, and corneal or lamellar keratoplasty.

(b) Laser of the vitreous chamber or retina of the eye to treat any vitreomacular or retinal disease.

(c) Surgery of the eyelid for suspected eyelid malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, or tarsorrhaphy.

(d) Surgery of the boney orbit, including, but not limited to, orbital implants or removal of the human eye.

(e) Incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures.
(f) Surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of elevated pressure inside the eye.

(g) Surgery requiring incision or excision by scalpel of the iris and ciliary body, including, but not limited to, iris diathermy or cryotherapy.

(h) Surgery requiring incision or excision of the vitreous or retina.

(i) Surgery requiring incision or excision of the crystalline lens or an intraocular prosthetic implant.

(j) Surgery involving incision or excision of the extraocular muscles.

(k) Surgery requiring full thickness conjunctivoplasty with graft or flap.

(l) Pterygium surgery.

(m) Any other procedure or therapy the board deems appropriate.

Section 6. Subsection (3) of section 463.0057, Florida Statutes, is amended to read:

463.0057 Optometric faculty certificate.—

(3) The holder of a faculty certificate may engage in the practice of optometry as permitted by this section but may not administer or prescribe topical ocular pharmaceutical agents unless the certificateholder has satisfied the requirements of s. 463.006(1)(e) and (f). If a certificateholder wishes to administer or prescribe oral ocular pharmaceutical agents, the certificateholder must also satisfy the requirements of s. 463.0055(1)(b).
Section 7. Section 463.006, Florida Statutes, is amended to read:

463.006 Licensure and certification by examination.—

(1) Any person desiring to be a certified optometrist licensed practitioner pursuant to this chapter must apply to the department and must submit proof to the department that she or he:

(a) Has completed the application forms as required by the board, remitted an application fee for certification not to exceed $250, remitted an examination fee for certification not to exceed $250, and remitted an examination fee for licensure not to exceed $325, all as set by the board.

(b) Is at least 18 years of age.

(c) Has graduated from an accredited school or college of optometry approved by rule of the board.

(d) Is of good moral character.

(e) Has successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as determined by the board, at an institution that:

1. Has facilities for both didactic and clinical instructions in pharmacology; and

2. Is accredited by a regional or professional accrediting organization that is recognized and approved by the Commission on Recognition of Postsecondary Accreditation or the United States Department of Education.

(f) Has completed at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the
optometric experience.

(2) The board shall approve a licensure examination consisting of the appropriate subjects and including applicable state laws and rules and general and ocular pharmacology with emphasis on the use and side effects of ocular pharmaceutical agents. The board may by rule substitute a national examination as part or all of the examination and, notwithstanding chapter 456, may by rule offer a practical examination in addition to a written examination. The board shall determine the required content, grading criteria, and passing score for the licensure examination.

(3) Each applicant who submits proof satisfactory to the board that he or she has met the requirements of subsection (1), who successfully passes the licensure examination within 3 years before the date of application or within 3 years after the submission of an application, and who otherwise meets the requirements of this chapter is entitled to be licensed as a certified optometrist practitioner and to be certified to administer and prescribe ocular pharmaceutical agents in the diagnosis and treatment of ocular conditions.

Section 8. Subsections (12) and (13) are added to section 463.0135, Florida Statutes, to read:

463.0135 Standards of practice.—

(12) Certified optometrists may remove superficial foreign bodies. For the purpose of this subsection, the term “superficial foreign bodies” means any foreign matter that is embedded in the conjunctiva or cornea but that has not penetrated the globe. Notwithstanding the definition of surgery in s. 463.002, a certified optometrist may provide any
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optometric care within the practice of optometry as defined in s. 463.002, including, but not limited to, removing an eyelash by epilation, probing an uninflamed tear duct in a patient 18 years of age or older, blocking the puncta by plug, or superficial scraping for the purpose of removing damaged epithelial tissue or superficial foreign bodies or taking a culture of the surface of the cornea or conjunctiva.

(13) A licensed practitioner who is not a certified optometrist is required to display at her or his place of practice a sign that states, “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe ocular pharmaceutical agents or perform ophthalmic procedures.”

Section 9. Subsection (4) of section 463.014, Florida Statutes, is amended to read:

463.014 Certain acts prohibited.—

(4) Surgery of any kind is expressly prohibited. Certified optometrists may remove superficial foreign bodies. For the purposes of this subsection, the term “superficial foreign bodies” means any foreign matter that is embedded in the conjunctiva or cornea but that has not penetrated the globe. Notwithstanding the definition of surgery as provided in s. 463.002(6), a certified optometrist is not prohibited from providing any optometric care within the practice of optometry as defined in s. 463.002(7), such as removing an eyelash by epilation, probing an uninflamed tear duct in a patient 18 years of age or older, blocking the puncta by plug, or superficial scraping for the purpose of removing damaged epithelial tissue or superficial foreign bodies or taking a culture of the surface of the cornea or conjunctiva.
Section 10. Section 463.009, Florida Statutes, is amended to read:

463.009 Supportive personnel.—No person other than a licensed practitioner may engage in the practice of optometry as defined in s. 463.002(7). Except as provided in this section, under no circumstances shall nonlicensed supportive personnel be delegated diagnosis or treatment duties; however, such personnel may perform data gathering, preliminary testing, prescribed visual therapy, and related duties under the direct supervision of the licensed practitioner. Nonlicensed personnel, who need not be employees of the licensed practitioner, may perform ministerial duties, tasks, and functions assigned to them by and performed under the general supervision of a licensed practitioner, including obtaining information from consumers for the purpose of making appointments for the licensed practitioner. The licensed practitioner shall be responsible for all delegated acts performed by persons under her or his direct and general supervision.

Section 11. Subsection (19) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(19) Notwithstanding any other provision of law, health maintenance policies or contracts which provide coverage, benefits, or services as described in s. 463.002(7), shall offer to the subscriber the services of an optometrist licensed pursuant to chapter 463.

Section 12. This act shall take effect July 1, 2021.