

1                                   A bill to be entitled  
2           An act relating to optometry; reordering and amending  
3           s. 463.002, F.S.; revising and defining terms;  
4           amending s. 463.003, F.S.; revising the member  
5           composition requirements for the Board of Optometry;  
6           revising applicability; amending s. 463.005, F.S.;  
7           revising specified rules the board must adopt;  
8           amending s. 463.0055, F.S.; revising circumstances  
9           under which a certified optometrist may administer or  
10          prescribe ocular pharmaceutical agents; deleting  
11          requirements a certified optometrist must satisfy to  
12          administer or prescribe ocular pharmaceutical agents;  
13          requiring the board to adopt a negative formulary of  
14          ocular pharmaceutical agents certified optometrists  
15          are prohibited from administering or prescribing;  
16          deleting provisions relating to the topical and oral  
17          ocular pharmaceutical agent formularies established by  
18          the board; requiring the board to mail a copy of the  
19          negative formulary to all certified optometrists and  
20          licensed pharmacies under certain circumstances;  
21          revising the controlled substances that certified  
22          optometrists are prohibited from administering or  
23          prescribing; creating s. 463.0056, F.S.; authorizing  
24          certain certified optometrists to perform laser and  
25          non-laser ophthalmic procedures and therapies under

26 | certain circumstances; providing certification  
27 | requirements certified optometrists must satisfy to  
28 | perform such procedures and therapies; requiring the  
29 | board to approve the courses and examinations to be  
30 | used for certification if certain conditions are met;  
31 | requiring the board to review and approve the  
32 | examination annually if certain conditions are met;  
33 | authorizing certified optometrists to use the board-  
34 | approved course and examination to satisfy their  
35 | continuing education requirements under certain  
36 | circumstances; prohibiting a certified optometrist who  
37 | does not complete such course and examination from  
38 | performing certain ophthalmic procedures; specifying  
39 | ophthalmic procedures that are excluded from the scope  
40 | of practice of optometry, with an exception; amending  
41 | s. 463.0057, F.S.; conforming a provision to changes  
42 | made by the act; amending s. 463.006, F.S.; conforming  
43 | provisions to changes made by the act; requiring the  
44 | board to determine the required content, grading  
45 | criteria, and passing score for the licensure  
46 | examination for certified optometrists; making  
47 | technical changes; amending s. 463.0135, F.S.;  
48 | requiring licensed practitioners who are not certified  
49 | optometrists to display in their practices a sign  
50 | containing specified information; amending s. 463.014,

51 F.S.; revising a prohibition on surgery performed by  
 52 certified optometrists to conform to changes made by  
 53 the act; amending ss. 463.009 and 641.31, F.S.;  
 54 conforming cross-references; providing an effective  
 55 date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Section 463.002, Florida Statutes, is reordered  
 60 and amended to read:

61 463.002 Definitions.—As used in this chapter, the term:

62 (2)~~(1)~~ "Board" means the Board of Optometry.

63 (5)~~(2)~~ "Department" means the Department of Health.

64 (8)~~(3)~~~~(a)~~ "Licensed practitioner" means a person who is a  
 65 primary health care provider licensed to engage in the practice  
 66 of optometry under the authority of this chapter. With respect  
 67 to persons initially licensed under this chapter after July 1,  
 68 1993, the term includes only certified optometrists.

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

74 ~~(c) All practitioners initially licensed after July 1,~~  
 75 ~~1993, must be certified optometrists.~~

76            (3)-(4) "Certified optometrist" or "certified optometric  
 77 physician" means a licensed practitioner authorized by the board  
 78 to administer and prescribe ocular pharmaceutical agents.

79            (9)-(5) "Ocular pharmaceutical agent" means a  
 80 pharmaceutical agent that is administered or prescribed  
 81 ~~topically or orally~~ for the diagnosis or treatment of ocular  
 82 conditions of the human eye and its appendages ~~without the use~~  
 83 ~~of surgery or other invasive techniques.~~

84            (13)-(6) "Surgery" means a procedure using an instrument,  
 85 including a laser, scalpel, or needle, in which human tissue is  
 86 cut, burned, scraped except as provided in s. 463.0135(12) ~~s.~~  
 87 ~~463.014(4)~~, or vaporized, by incision, injection, ultrasound,  
 88 laser, infusion, cryotherapy, or radiation. The term includes a  
 89 procedure using an instrument which requires the closure of  
 90 human tissue by suture, clamp, or other such device.

91            (11)-(7) "Optometry" means the diagnosis, evaluation,  
 92 treatment, and management of conditions of the human eye and its  
 93 appendages, including any visual, muscular, neurological, or  
 94 anatomical anomalies and chronic systemic conditions relating to  
 95 the eye; the determination of the refractive powers of the human  
 96 eye; and the prescribing and employment of any ~~objective or~~  
 97 ~~subjective~~ means or methods, including ~~the administration of~~  
 98 ocular pharmaceutical agents, contact lenses, spectacle lenses,  
 99 magnification lenses, vision therapy, low vision rehabilitation  
 100 devices, and ophthalmic procedures and therapy, for the

101 diagnosis, evaluation, correction, remedy, treatment,  
102 management, or relief of any insufficiency, anomaly,  
103 abnormality, or disease condition relating to the human eye or  
104 its appendages ~~for the purpose of determining the refractive~~  
105 ~~powers of the human eyes, or any visual, muscular, neurological,~~  
106 ~~or anatomic anomalies of the human eyes and their appendages;~~  
107 ~~and the prescribing and employment of lenses, prisms, frames,~~  
108 ~~mountings, contact lenses, orthoptic exercises, light~~  
109 ~~frequencies, and any other means or methods, including ocular~~  
110 ~~pharmaceutical agents, for the correction, remedy, or relief of~~  
111 ~~any insufficiencies or abnormal conditions of the human eyes and~~  
112 ~~their appendages.~~

113 (6)~~(8)~~ "Direct supervision" means supervision to an extent  
114 that the licensee remains on the premises while all procedures  
115 are being done and gives final approval to any procedures  
116 performed by an employee.

117 (7)~~(9)~~ "General supervision" means the responsible  
118 supervision of supportive personnel by a licensee who need not  
119 be present when such procedures are performed, but who assumes  
120 legal liability therefor. Except in cases of emergency, "general  
121 supervision" shall require the easy availability or physical  
122 presence of the licensee for consultation with and direction of  
123 the supportive personnel.

124 (1)~~(10)~~ "Appendages" means the eyelids, the eyebrows, the  
125 conjunctiva, and the lacrimal apparatus.

126        ~~(14)~~~~(11)~~ "Transcript-quality" means a course that ~~which~~ is  
 127 in conjunction with or sponsored by a school or college of  
 128 optometry or equivalent educational entity, which course is  
 129 approved by the board and requires a test and passing grade.

130        ~~(4)~~~~(12)~~ "Clock hours" means the actual time engaged in  
 131 approved coursework and clinical training.

132        (10) "Optometrist certified in ophthalmic procedures"  
 133 means a certified optometrist who is authorized under s.  
 134 463.0056 to perform board-approved laser and non-laser  
 135 ophthalmic procedures and therapy in accordance with that  
 136 section.

137        (12) "Refraction" means the use of lenses and ocular  
 138 pharmaceutical agents during the course of a comprehensive  
 139 medical eye examination to determine a patient's visual,  
 140 neurological, and physical requirements to attain optimal visual  
 141 and perceptual performance.

142        Section 2. Subsections (2) and (4) of section 463.003,  
 143 Florida Statutes, are amended to read:

144        463.003 Board of Optometry.—

145        (2) Five members of the board must be certified  
 146 optometrists or optometrists certified in ophthalmic procedures  
 147 ~~licensed practitioners~~ actively practicing in this state. The  
 148 remaining two members must be citizens of this ~~the~~ state who are  
 149 not, and have never been, licensed practitioners and who are in  
 150 no way connected with the practice of optometry or with any

151 vision-oriented profession or business. At least one member of  
152 the board must be 60 years of age or older.

153 (4) All applicable provisions of chapter 456 relating to  
154 activities of regulatory boards which do not conflict with this  
155 chapter shall apply.

156 Section 3. Subsection (1) of section 463.005, Florida  
157 Statutes, is amended to read:

158 463.005 Authority of the board.—

159 (1) The Board of Optometry shall ~~has authority to~~ adopt  
160 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
161 provisions of this chapter conferring duties upon it. Such rules  
162 must ~~shall~~ include, but need not be limited to, rules relating  
163 to all of the following:

164 (a) Standards of practice, including, but not limited to,  
165 those provided ~~for~~ in s. 463.0135.

166 (b) Minimum equipment that ~~which~~ a licensed practitioner  
167 must ~~shall~~ at all times possess to engage in the practice of  
168 optometry.

169 (c) Minimum procedures that ~~which shall~~ constitute a  
170 visual examination.

171 (d) Procedures for the safekeeping and transfer of  
172 prescription files or case records ~~upon the discontinuance of~~  
173 ~~practice~~.

174 (e) Supervision of supportive personnel.

175 (f) Courses and procedures for continuing education.

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

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

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

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

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

188           463.0055 Administration and prescription of ocular  
 189 pharmaceutical agents.—

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

198           ~~(b) Before a certified optometrist may administer or~~  
 199 ~~prescribe oral ocular pharmaceutical agents, the certified~~  
 200 ~~optometrist must provide proof to the department of successful~~



201 ~~completion of a course and subsequent examination, approved by~~  
202 ~~the board, on general and ocular pharmaceutical agents and the~~  
203 ~~side effects of those agents. The course shall consist of 20~~  
204 ~~contact hours, all of which may be web-based. The first course~~  
205 ~~and examination shall be presented by October 1, 2013, and shall~~  
206 ~~be administered at least annually thereafter. The course and~~  
207 ~~examination shall be developed and offered jointly by a~~  
208 ~~statewide professional association of physicians in this state~~  
209 ~~accredited to provide educational activities designated for the~~  
210 ~~American Medical Association Physician's Recognition Award (AMA~~  
211 ~~PRA) Category 1 credit and a statewide professional association~~  
212 ~~of licensed practitioners which provides board-approved~~  
213 ~~continuing education on an annual basis. The board shall review~~  
214 ~~and approve the content of the initial course and examination if~~  
215 ~~the board determines that the course and examination adequately~~  
216 ~~and reliably satisfy the criteria set forth in this section. The~~  
217 ~~board shall thereafter annually review and approve the course~~  
218 ~~and examination if the board determines that the content~~  
219 ~~continues to adequately and reliably satisfy the criteria set~~  
220 ~~forth in this section. Successful completion of the board-~~  
221 ~~approved course and examination may be used by a certified~~  
222 ~~optometrist to satisfy 20 hours of the continuing education~~  
223 ~~requirements in s. 463.007(3), only for the biennial period in~~  
224 ~~which the board-approved course and examination are taken. If a~~  
225 ~~certified optometrist does not complete a board-approved course~~

226 ~~and examination under this section, the certified optometrist is~~  
227 ~~only authorized to administer and prescribe topical ocular~~  
228 ~~pharmaceutical agents.~~

229       (2)(a) The board shall establish a negative formulary of  
230 ~~topical~~ ocular pharmaceutical agents that a certified  
231 optometrist may not administer or prescribe ~~may be prescribed~~  
232 ~~and administered by a certified optometrist. The formulary shall~~  
233 ~~consist of those topical ocular pharmaceutical agents that are~~  
234 ~~appropriate to treat or diagnose ocular diseases and disorders~~  
235 ~~and that the certified optometrist is qualified to use in the~~  
236 ~~practice of optometry. The board shall establish, add to, delete~~  
237 ~~from, or modify the topical formulary by rule. Notwithstanding~~  
238 ~~any provision of chapter 120 to the contrary, the topical~~  
239 ~~formulary rule becomes effective 60 days from the date it is~~  
240 ~~filed with the Secretary of State.~~

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

247       ~~(c) The State Surgeon General shall have standing to~~  
248 ~~challenge any rule or proposed rule of the board pursuant to s.~~  
249 ~~120.56. In addition to challenges for any invalid exercise of~~  
250 ~~delegated legislative authority, the administrative law judge,~~

251 ~~upon such a challenge by the State Surgeon General, may declare~~  
252 ~~all or part of a rule or proposed rule invalid if it:~~

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

255 ~~2. Unreasonably restricts competition or the availability~~  
256 ~~of professional services in the state or in a significant part~~  
257 ~~of the state; or~~

258 ~~3. Unnecessarily increases the cost of professional~~  
259 ~~services without a corresponding or equivalent public benefit.~~

260

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

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

269 ~~(3) Controlled substances for acute pain In addition to~~  
270 ~~the formulary of topical ocular pharmaceutical agents~~  
271 ~~established by rule of the board, there is created a statutory~~  
272 ~~formulary of oral ocular pharmaceutical agents, which includes~~  
273 ~~the following agents:~~

274 ~~(a) The following analgesics or their generic or~~  
275 ~~therapeutic equivalents, which may not be administered or~~

276 | prescribed for more than 72 hours without consultation with a  
 277 | physician licensed under chapter 458 or chapter 459 who is  
 278 | skilled in diseases of the eye. ÷

- 279 |       1. ~~Tramadol hydrochloride.~~
- 280 |       2. ~~Acetaminophen 300 mg with No. 3 codeine phosphate 30~~  
 281 | ~~mg.~~

282 |       ~~(b) The following antibiotics or their generic or~~  
 283 | ~~therapeutic equivalents:~~

- 284 |           1. ~~Amoxicillin with or without clavulanic acid.~~
- 285 |           2. ~~Azithromycin.~~
- 286 |           3. ~~Erythromycin.~~
- 287 |           4. ~~Dicloxacillin.~~
- 288 |           5. ~~Doxycycline/Tetracycline.~~
- 289 |           6. ~~Keflex.~~
- 290 |           7. ~~Minocycline.~~

291 |       ~~(c) The following antivirals or their generic or~~  
 292 | ~~therapeutic equivalents:~~

- 293 |           1. ~~Acylovir.~~
- 294 |           2. ~~Famciclovir.~~
- 295 |           3. ~~Valacyclovir.~~

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

- 299 |           1. ~~Acetazolamide.~~
- 300 |           2. ~~Methazolamide.~~

301  
 302 ~~Any oral ocular pharmaceutical agent that is listed in the~~  
 303 ~~statutory formulary set forth in this subsection and that is~~  
 304 ~~subsequently determined by the United States Food and Drug~~  
 305 ~~Administration to be unsafe for administration or prescription~~  
 306 ~~shall be considered to have been deleted from the formulary of~~  
 307 ~~oral ocular pharmaceutical agents. The oral ocular~~  
 308 ~~pharmaceutical agents on the statutory formulary set forth in~~  
 309 ~~this subsection may not otherwise be deleted by the board, the~~  
 310 ~~department, or the State Surgeon General.~~

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

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

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

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

326 463.0056 Ophthalmic Procedures.-

327 (1) (a) An optometrist certified in ophthalmic procedures  
328 may perform laser and non-laser ophthalmic procedures and  
329 therapies as authorized by the board but may not perform an  
330 ophthalmic procedure or therapy that requires drug-induced  
331 alteration of consciousness or that burns, cuts, or incises the  
332 globe of the eye. However, an optometrist certified in  
333 ophthalmic procedures may use medication for minimal  
334 tranquilization of the patient and local or topical anesthesia  
335 if the chances of complications requiring hospitalization of the  
336 patient as a result are remote.

337 (b) To be certified to perform ophthalmic procedures, a  
338 certified optometrist must first provide proof to the department  
339 of successful completion of a course and subsequent examination,  
340 approved by the board, on laser and non-laser ophthalmic  
341 procedures and therapy. The course and examination shall be  
342 developed and offered jointly by a statewide professional  
343 association of physicians in this state accredited to provide  
344 educational activities designated for the American Medical  
345 Association Physician's Recognition Award Category 1 credit and  
346 a statewide professional association of licensed practitioners  
347 which provides board-approved continuing education on an annual  
348 basis. The board shall review and approve the content of the  
349 initial course and examination if the board determines that the  
350 course and examination adequately and reliably satisfy the

351 criteria set forth in this section. The board shall thereafter  
352 annually review and approve the examination if the board  
353 determines that the content continues to adequately and reliably  
354 satisfy the criteria set forth in this section. Successful  
355 completion of the board-approved course and examination may be  
356 used by a certified optometrist to satisfy the continuing  
357 education requirements in s. 463.007(3) only for the biennial  
358 period in which the board-approved course and examination are  
359 taken. If a certified optometrist does not complete a board-  
360 approved course and examination under this section, the  
361 certified optometrist may not perform ophthalmic procedures  
362 described in paragraph (a).

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

366 (a) Any procedure that burns, cuts, or incises the globe  
367 of the eye.

368 (b) Laser vision correction, penetrating keratoplasty, and  
369 corneal or lamellar keratoplasty.

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

372 (d) Surgery of the eyelid for suspected eyelid  
373 malignancies or for incisional cosmetic or mechanical repair of  
374 blepharochalasis, ptosis, or tarsorrhaphy.

375 (e) Surgery of the boney orbit, including, but not limited

376 to, orbital implants or removal of the human eye.

377 (f) Incisional or excisional surgery of the lacrimal  
 378 system other than lacrimal probing or related procedures.

379 (g) Surgery requiring full thickness incision or excision  
 380 of the cornea or sclera other than paracentesis in an emergency  
 381 situation requiring immediate reduction of elevated pressure  
 382 inside the eye.

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

386 (i) Surgery requiring incision or excision of the vitreous  
 387 or retina.

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

390 (k) Surgery involving incision or excision of the  
 391 extraocular muscles.

392 (l) Surgery requiring full thickness conjunctivoplasty  
 393 with graft or flap.

394 (m) Pterygium surgery.

395 (n) Any other procedure or therapy the board deems  
 396 appropriate.

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

399 463.0057 Optometric faculty certificate.—

400 (3) The holder of a faculty certificate may engage in the



401 practice of optometry as permitted by this section but may not  
 402 administer or prescribe topical ocular pharmaceutical agents  
 403 unless the certificateholder has satisfied the requirements of  
 404 s. 463.006(1) (e) and (f). ~~If a certificateholder wishes to~~  
 405 ~~administer or prescribe oral ocular pharmaceutical agents, the~~  
 406 ~~certificateholder must also satisfy the requirements of s.~~  
 407 ~~463.0055(1) (b).~~

408 Section 7. Section 463.006, Florida Statutes, is amended  
 409 to read:

410 463.006 Licensure and certification by examination.—

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

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

420 (b) Is at least 18 years of age.

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

423 (d) Is of good moral character.

424 (e) Has successfully completed at least 110 hours of  
 425 transcript-quality coursework and clinical training in general

426 and ocular pharmacology as determined by the board, at an  
427 institution that:

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

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

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

438 (2) The board shall approve a licensure examination  
439 consisting of the appropriate subjects and including applicable  
440 state laws and rules and general and ocular pharmacology with  
441 emphasis on the use and side effects of ocular pharmaceutical  
442 agents. The board may by rule substitute a national examination  
443 as part or all of the examination and, notwithstanding chapter  
444 456, may by rule offer a practical examination in addition to a  
445 written examination. The board shall determine the required  
446 content, grading criteria, and passing score for the licensure  
447 examination.

448 (3) Each applicant who submits proof satisfactory to the  
449 board that he or she has met the requirements of subsection (1),  
450 who successfully passes the licensure examination within 3 years

451 before the date of application or within 3 years after the  
452 submission of an application, and who otherwise meets the  
453 requirements of this chapter is entitled to be licensed as a  
454 certified optometrist practitioner ~~and to be certified to~~  
455 ~~administer and prescribe ocular pharmaceutical agents in the~~  
456 ~~diagnosis and treatment of ocular conditions.~~

457 Section 8. Subsection (12) is added to section 463.0135,  
458 Florida Statutes, to read:

459 463.0135 Standards of practice.—

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

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

467 463.014 Certain acts prohibited.—

468 (4) Surgery, except as otherwise provided in this chapter,  
469 ~~of any kind is expressly~~ prohibited. Certified optometrists may  
470 remove superficial foreign bodies. For the purposes of this  
471 subsection, the term "superficial foreign bodies" means any  
472 foreign matter that is embedded in the conjunctiva or cornea but  
473 that has not penetrated the globe. Notwithstanding the  
474 definition of surgery as provided in s. 463.002 ~~s. 463.002(6)~~, a  
475 certified optometrist may provide ~~is not prohibited from~~

476 ~~providing~~ any optometric care within the practice of optometry  
477 as defined in s. 463.002 ~~s. 463.002(7)~~, including, but not  
478 limited to, such as removing an eyelash by epilation, probing an  
479 uninflamed tear duct in a patient 18 years of age or older,  
480 blocking the puncta by plug, or superficial scraping for the  
481 purpose of removing damaged epithelial tissue or superficial  
482 foreign bodies or taking a culture of the surface of the cornea  
483 or conjunctiva.

484 Section 10. Section 463.009, Florida Statutes, is amended  
485 to read:

486 463.009 Supportive personnel.—No person other than a  
487 licensed practitioner may engage in the practice of optometry as  
488 defined in s. 463.002 ~~s. 463.002(7)~~. Except as provided in this  
489 section, under no circumstances shall nonlicensed supportive  
490 personnel be delegated diagnosis or treatment duties; however,  
491 such personnel may perform data gathering, preliminary testing,  
492 prescribed visual therapy, and related duties under the direct  
493 supervision of the licensed practitioner. Nonlicensed personnel,  
494 who need not be employees of the licensed practitioner, may  
495 perform ministerial duties, tasks, and functions assigned to  
496 them by and performed under the general supervision of a  
497 licensed practitioner, including obtaining information from  
498 consumers for the purpose of making appointments for the  
499 licensed practitioner. The licensed practitioner shall be  
500 responsible for all delegated acts performed by persons under

CS/HB 631

2021

501 her or his direct and general supervision.

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

504 641.31 Health maintenance contracts.—

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

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