

Florida Jurisprudence: The Laws and Rules of Florida Optometry

David Rouse, OD, FAAO, Diplomate ABO Vice Chair, Florida Board of Optometry

Cope –Required Disclosures

David Rouse, O.D.,F.A.A.O.

- Private practice
- SECO Secretary
- BCOA Past President
- FOA Past President
- Vice Chair Board of Optometry
- AOA-Florida FAR
- NBEO Review Council
- HOA Past President
- Chairman, Cooper City Planning & Zoning Board

Objectives

How a person becomes a board member

-
- Nomination by professional association
- Appointment questionnaire
- Nominated and appointed by governor
- Confirmed by Senate

Board of Optometry

463.003

The Florida Board of Optometry is comprised of 7 members appointed by the governor and confirmed by the Senate

- 5 actively practicing, licensed, optometrists
- Serve 4 year term and can be reappointed
- 2 lay persons
 - Citizens of Florida
 - Non –optometrists
 - No connections with any practice of optometry or vision related business or profession
 - One must be over 60 years of age

Members of the Board

-
- Steve Kepley, OD Chairman
- Denise Burns-Legros, OD
- Katie Spear, OD
- Bob Easton, OD
- David Rouse, OD
- John Griffin-Consumer
- Kevin Rollin-Consumer

Board Meetings

Authority of the Board

463.005

Florida Board of Optometry

463.001 – Purpose; Intent

Administrative Procedure Act

Declaratory Statements

Administrative Procedure Act

Most Common Requests for Variances

State Statutes

Chapter 463 and Rule 64B Overlap

Standards of Practice

463.0135(1) A licensed practitioner shall provide that degree of care which conforms to that level of care provided by medical practitioners in the same or similar communities.

Standards of Practice

463.0135 • (2) A licensed practitioner diagnosing angle closure, infantile, or congenital forms of glaucoma shall refer the patient to a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459.

Standards of Practice

463.0135(3) • When an infectious corneal disease condition has not responded to standard methods of treatment within the scope of optometric practice, the certified optometrist shall consult with a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459.

Standards of Practice

463.0135(4) • A licensed practitioner shall promptly advise a patient to seek evaluation by a physician skilled in diseases of the eye and licensed under chapter 458 or chapter 459 for diagnosis and possible treatment whenever the licensed practitioner is informed by the patient of the sudden onset of spots or “floaters” with loss of all or part of the visual field.

Standards of Practice

463.0135 (9) A licensed practitioner who believes a patient may have glaucoma shall promptly advise the patient of the serious nature of glaucoma. The licensed practitioner shall place in the patient’s permanent record that the practitioner provided such advice to the patient.

Standards of Practice

463.0135(10)

- A certified optometrist is authorized to perform any eye examination, including a dilated examination, required or authorized by chapter 548 or by rules adopted to implement that chapter.

Standards of Practice

463.0135

- (11) Co-management of postoperative care shall be conducted pursuant to the requirements of this section and a patient-specific transfer of care letter that governs the relationship between the physician who performed the surgery and the licensed practitioner.

Co-Management

463.0135(11) Standards of Practice

Renewal of License

• Requirements

- TQ Hours
- COPE /CE Broker
- On-line hours
 - Other states CE
- Practice Management 2 hours max
- Oral Drug Course
- Opioid Course
- AIDS (only required for new graduates upon initial re-licensure)
 - Jurisprudence
- Medical Errors
- Human Trafficking no longer approved

Summary of Oral Drug Bill

- Created a 5th category of licensure
- Complete on-line course
- Created an oral drug formulary
- DEA numbers and requirements
- Removed TOPA Committee
- CLIA lab waiver
- Boxing

Oral Drug Bill Summary

Need to complete on-line course!

Satisfies a 20 hour CE requirement

Oral Ocular Medications Formulary

463.0055 Administration and prescription of ocular pharmaceutical agents

Oral Ocular Medications Formulary

463.055(3)(d) Administration and prescription of ocular pharmaceutical agents

(2) Anti-glaucoma agents or their generic or therapeutic equivalents

-
- May not be administered or prescribed for more than 72 hours:
- Acetazolamide
- Methazolamide •

Oral Ocular Medications Formulary

463.055(3)(c) Administration and prescription of ocular pharmaceutical agents

Antivirals or their generic or therapeutic equivalents:

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- Acyclovir
- Famciclovir
- Valacyclovir

ORAL OCULAR MEDICATIONS FORMULARY

463.055(3)(a) ADMINISTRATION AND PRESCRIPTION OF OCULAR PHARMACEUTICAL AGENTS

Analgesics or their generic or therapeutic equivalents

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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:

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Tramadol hydrochloride (Schedule IV)

Acetaminophen 300 mg with No. 3 codeine 30 mg

• Tylenol #3 (Schedule III)

Oral Ocular Medications Formulary

463.055(3)(b) Administration and prescription of ocular pharmaceutical agents

• (7) Antibiotics or their generic or therapeutic equivalents:

- Amoxicillin with or without clavulanic acid
- Azithromycin
- Erythromycin.
- Dicloxacillin
- Doxycycline/Tetracycline
- Keflex (Brand Name??)
- Minocycline

ORAL OCULAR MEDICATIONS FORMULARY

463.055(4) & 463.055(2)(a)(b) ADMINISTRATION AND PRESCRIPTION OF OCULAR PHARMACEUTICAL AGENTS

• Who can prescribe oral ocular medications in Florida?

- Can the formulary be changed? • • •

Who can prescribe oral ocular medications in Florida?

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.

Who can prescribe oral ocular analgesics in Florida?

Can the formulary be changed?

- The formulary can be reduced! •
- YES, 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.
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CAN THE FORMULARY BE CHANGED?

- The formulary can be expanded? •

YES!

- The oral ocular formulary is determined by the Florida legislature. • •
- Contact the Florida Optometric Association

Topical Ocular Pharmaceutical

463.055(4) Administration and prescription of ocular pharmaceutical agents

CHAPTER 64B13-18 TOPICAL OCULAR PHARMACEUTICAL AGENTS

- 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.
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- The board shall establish a formulary of topical ocular pharmaceutical agents that may be prescribed and administered by a certified optometrist.
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- Changes in the topical formulary rule becomes prescribable 60 days from the adoption effective date .
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- 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.
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Recent additions to the topical formulary

64B13-18.002

New class Anti-Glaucoma agents

- Rho Kinase Inhibitors
- netarsudil 0.02%
- cyclosporine 0.09% Ok to use as of January 25, 2019
- loteprednol etabonate 1.0%

- Oxervate 0.002%
- cetirizine .24%

Additions to the topical formulary 64B13-18.002

Rhopressa Cequa

Inveltys

New medications in the same or lower concentrations do not have to go through the 60 day period, they are automatically approved by board rule.

Additions to the topical formulary 64B13-18.002

Example: Verkazia 0.1% cyclosporin

Approved or not?

Any new approved medication

cannot be in effect until 60 days after adopted by the state !

HB 7059 authorized the DOH to accept proof of passing scores within 3 years before or after the submission of application.

Requirements for Initial Licensure

- Graduate from an accredited school or college
- Part II
- III Clinical Skills
- FL currently does not require raw score requirements for each module, just an overall pass on part III.
- Passing score of 75% or better on each of the three skills on same attempt
- Dilated biomicroscopy and non-contact fundus lens
- Binocular Indirect
- Biomicroscopy
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- IV Florida Laws and Rules
- Requires an 84% or better to pass

Certain Acts Prohibited

463.014

Rule 64B13

Overview

Complaint Process 456.073, disciplinary proceeding

- Citizen files a complaint through the Florida Health Care Form
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- DOH reviews complaint and investigation is started if:
 - The complaint is in writing
 - Signed by the complainant
 - Legally sufficient
 - May be anonymous

PROBABLE CAUSE PANEL 64B13-2.008 PROBABLE CAUSE PANEL.

(1) The determination as to whether probable cause exists shall be made by the probable cause panel of the Board.

(2) The probable cause panel shall be composed of at least two (2) persons

At least one member of the panel must be a current Board member. At least one member shall be a previous board member, if available, willing to serve, and authorized by the Chair.

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Stay off the Radar!