

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 831 Session of 2001

INTRODUCED BY PICCOLA, FUMO, M. WHITE, LAVALLE, KUKOVICH,
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EARLL, KASUNIC, D. WHITE, PUNT, SCHWARTZ, HELFRICK, WAUGH AND
ROBBINS, MAY 2, 2001

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MAY 2, 2001

AN ACT

1 Amending the act of June 6, 1980 (P.L.197, No.57), entitled "An
2 act regulating the licensure and practice of optometry,
3 making repeals and providing penalties," further defining
4 "examination and diagnosis" and "practice of optometry"; and
5 adding to the powers and duties of the State Board of
6 Optometry.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "examination and diagnosis"
10 and "practice of optometry" in section 2 of the act of June 6,
11 1980 (P.L.197, No.57), known as the Optometric Practice and
12 Licensure Act, amended October 30, 1996 (P.L.721, No.130), are
13 amended to read:

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have, unless the context clearly indicates otherwise, the
17 meanings given to them in this section:

18 * * *

1 "Examination and diagnosis." Any examination or diagnostic
2 means or method compatible with optometric education and
3 professional competence. The term shall encompass the use of
4 pharmaceutical agents for diagnostic purposes classified as
5 miotics, mydriatics, cycloplegics, topical anesthetics and dyes
6 when applied topically to the eye, which pharmaceutical agents
7 shall be approved by the [Secretary of Health and] State Board
8 of Optometry, subject to the rules and regulations of the board,
9 provided however that with respect to optometrists licensed
10 before March 1, 1974, only such optometrists who have
11 satisfactorily completed a course in pharmacology as it applies
12 to optometry, with particular emphasis on the topical
13 application of diagnostic pharmaceutical agents to the eye,
14 approved by the board shall be permitted to use diagnostic
15 pharmaceutical agents topically in the practice of optometry.

16 * * *

17 "Practice of optometry."

18 (1) The use of any and all means or methods for the
19 examination, diagnosis and treatment of conditions of the
20 human visual system and shall include the examination for,
21 and adapting and fitting of, any and all kinds and types of
22 lenses including contact lenses.

23 (2) The administration and prescription of legend and
24 nonlegend drugs as approved by the [Secretary of Health]
25 State Board of Optometry for treatment of the [anterior
26 segment of the] eye, the eyelids, the lacrimal system and the
27 conjunctiva and the removal of superficial foreign bodies
28 from the ocular surface and adnexa. [so long as treatment of
29 diseases or conditions of the visual system as authorized
30 under this paragraph shall not continue beyond six weeks from

1 the initiation of treatment unless the prescribing
2 optometrist documents consultation with a licensed physician.
3 As used in this paragraph, the initiation of treatment may,
4 but need not, include the prescription or administration of
5 pharmaceutical agents for therapeutic purposes.]

6 (3) The prescribing and administering of
7 diphenhydramine, epinephrine or other medication to
8 counteract anaphylaxis or anaphylactic reaction.

9 (4) The provision of low vision rehabilitation through
10 the examination, diagnosis and management of the low vision
11 patient, including prescription, low vision rehabilitation
12 therapy and interdisciplinary consultation when indicated.

13 [(3)] (5) The term shall not include:

14 (i) surgery, including, but not limited to, laser
15 surgery; the use of lasers for therapeutic purposes; and
16 the use of injections in the treatment of ocular disease,
17 except for anaphylaxis;

18 (ii) the use of Schedule I and Schedule II
19 controlled substances; and

20 [(iii) the use of beta blockers and the use of
21 steroids;

22 (iv)] (iii) treatment of systemic disease, except
23 for anaphylaxis.[; and

24 (v) the treatment of glaucoma.]

25 * * *

26 Section 2. Section 3(b) of the act is amended by adding
27 paragraphs to read:

28 Section 3. Powers and duties of the board.

29 * * *

30 (b) The board shall have the following powers:

1 * * *

2 (14.1) To approve, consistent with the rules and
3 regulations promulgated by the board, those acts, services,
4 procedures and practices which may be performed by a licensed
5 optometrist and, prior to authorization, by appropriate
6 examination, establish the competence of every optometrist to
7 perform the approved acts, services, procedures and
8 practices.

9 (14.2) To issue advisory opinions on those acts,
10 services, procedures or practices which may be legally
11 performed by individuals licensed under its jurisdiction. Any
12 licensee wishing to receive an advisory opinion must submit a
13 written request to the board. The request must describe the
14 act, service, procedure or practice the licensee is
15 questioning, and must do so in sufficient detail to enable
16 the board to make a decision. Upon receipt of such a request,
17 the board shall notify the licensee whether it will issue an
18 advisory opinion, and, if so, the time, date and place of the
19 meeting at which it will be considered. All advisory opinions
20 must be approved by majority vote of the board. No person
21 acting in good faith on an advisory opinion issued to him by
22 the board shall be subject to criminal or civil penalties for
23 so acting, provided that the material facts are as stated in
24 the request for an advisory opinion.

25 * * *

26 Section 3. The act is amended by adding a section to read:
27 Section 6.1. Certain acts to constitute practice of optometry.

28 (a) Any person who prescribes or provides comprehensive low
29 vision examination for the rehabilitation and treatment of the
30 visually impaired or legally blind patient; prescribes

corrective eyeglasses, contact lenses, prisms, or sunfilters;
employs any means for the adaptation of lenses, low vision
devices, prisms or sunfilters; evaluates the need for,
recommends or prescribes optical low vision devices is engaged
in the practice of optometry; or recommends or provides low
vision rehabilitation services independent of documentation of
collaboration/communication with an optometrist, physician or
osteopath is engaged in the practice of optometry.

(b) Any person who assesses, diagnoses, treats or prescribes
treatment for conditions of the visual system or manages a
patient with vision therapy, visual training, orthoptics or eye
exercises or who holds themselves out as being able to do so for
the treatment of physical, physiological, sensorimotor,
neuromuscular or perceptual anomalies of the eyes or vision
system or who prescribes or utilizes lenses, prisms, sunfilters,
occlusion or other optical devices for the enhancement and/or
treatment of the visual system or prevention of visual
dysfunction, except under the supervision and management of a
licensed optometrist, physician or osteopath is engaged in the
practice of optometry.

Section 4. This act shall take effect immediately.