

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 846 Session of 2009

INTRODUCED BY GORDNER, ALLOWAY, PICCOLA, STACK, FOLMER,
WONDERLING, RAFFERTY, LOGAN, WAUGH, EICHELBERGER, FERLO,
BROWNE, M. WHITE, EARLL, MUSTO AND D. WHITE, MAY 5, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, MAY
5, 2009

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 the "practice of optometry";
5 and making a repeal.

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

8 Section 1. The definitions of "examination and diagnosis"
9 and the "practice of optometry" in section 2 of the act of June
10 6, 1980 (P.L.197, No.57), known as the Optometric Practice and
11 Licensure Act, amended December 16, 2002 (P.L.1950, No.225) are
12 amended to read:

13 Section 2. Definitions.

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

17 * * *

18 "Examination and diagnosis." Any examination or diagnostic

means or method compatible with optometric education and professional competence. The term shall encompass the use of pharmaceutical agents approved by the Food and Drug Administration and published in the Code of Federal Regulations for diagnostic purposes classified as miotics, mydriatics, cycloplegics, topical anesthetics and dyes when applied topically to the eye, [which pharmaceutical agents shall be approved by the Secretary of Health as provided in section 4.3] and, subject to the rules and regulations of the board, provided however that with respect to optometrists licensed before March 1, 1974, only such optometrists who have satisfactorily completed a course in pharmacology as it applies to optometry, with particular emphasis on the topical application of diagnostic pharmaceutical agents to the eye, approved by the board shall be permitted to use diagnostic pharmaceutical agents topically in the practice of optometry. Optometrists may order imaging tests appropriate for diagnosis and treatment of diseases or conditions of the human visual system.

* * *

"Practice of optometry."

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

(2) The administration and prescription of legend and nonlegend drugs, including Schedules II through V controlled substances as approved by the [Secretary of Health as provided in section 4.3] Food and Drug Administration as published in the Code of Federal Regulations necessary for

1 treatment of the eye, including the treatment of glaucoma,
2 the eyelids, the lacrimal system [and the conjunctiva] and
3 the removal of [superficial] foreign bodies from the ocular
4 surface and adnexa [so long as treatment of diseases or
5 conditions of the visual system, other than glaucoma, as
6 authorized under this paragraph shall not continue beyond six
7 weeks from the initiation of treatment unless the prescribing
8 optometrist documents consultation with a licensed physician.
9 As used in this paragraph, the initiation of treatment may,
10 but need not, include the prescription or administration of
11 pharmaceutical agents for therapeutic purposes.], stromal
12 puncture, drainage of superficial cysts, and the use of
13 injection for the treatment of anaphylactic shock and
14 chalazion.

15 (3) The term shall not include:

16 (i) [surgery, including, but not limited to, laser
17 surgery; the use of lasers for therapeutic purposes; and
18 the use of injections in the treatment of ocular
19 disease;] Cataract surgery, muscle surgery, retinal
20 surgery, radial keratotomy, laser surgery, cryosurgery,
21 or any other invasive surgery of the lid, adnexa, or
22 visual system or the use of injections into the eyeball
23 for treatment of ocular disease.

24 (ii) [the] The use of Schedule I [and Schedule II]
25 controlled substances[;].

26 (iii) [treatment] Treatment of systemic disease.[;
27 and

28 (iv) the treatment of glaucoma, except that
29 optometrists may use all topical pharmaceutical agents in
30 the treatment of primary open angle glaucoma, exfoliation

1 glaucoma and pigmentary glaucoma.]

2 * * *

3 Section 2. Section 4.3 of the act, added December 16, 2002
4 (P.L.1950, No.225), is repealed:

5 [Section 4.3. Approval of drugs.

6 Drugs shall be approved as follows:

7 (1) All drugs currently approved by the Secretary of
8 Health and in use in the practice of optometry on the
9 effective date of this section shall be deemed approved under
10 this section.

11 (2) Within 90 days of the effective date of this
12 section, the board shall submit a list of drugs authorized
13 under this act to the Secretary of Health, who, in
14 consultation with the Physician General, shall approve or
15 disapprove for good cause each drug. Upon failure of the
16 Secretary of Health to act within 90 days of receipt of the
17 list of drugs, the drugs shall be deemed approved for use
18 under this act.

19 (3) The State Board of Optometry shall provide the
20 Secretary of Health with lists of additional drugs for use
21 under this act after such drugs are approved by the Food and
22 Drug Administration, as published in the Code of Federal
23 Regulations. The Secretary of Health, in consultation with
24 the Physician General, shall approve or disapprove for good
25 cause any such drug within 90 days of the receipt of the
26 list. Upon failure of the Secretary of Health to act within
27 90 days, the drugs shall be deemed approved for use under
28 this act.]

29 Section 3. This act shall take effect in 60 days.