AN ACT

Amending the act of June 6, 1980 (P.L.197, No.57), entitled "An act regulating the licensure and practice of optometry, making repeals and providing penalties," defining "ophthalmic surgery"; and further defining "practice of optometry."

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

Section 1. The definition of "practice of optometry" in section 2 of the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, amended December 16, 2002 (P.L.1950, No.225), is amended and the section is amended by adding a definition to read:

Section 2. Definitions.

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

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"Ophthalmic surgery." A treatment or procedure, diagnostic, palliative, therapeutic, rehabilitative, cosmetic or refractive, for conditions or disease processes involving the eye or ocular adnexa, utilizing lasers, cautery, ionizing or nonionizing radiation, scalpels, probes, needles or other instruments in which the human eye or ocular adnexa is cut, drained, penetrated, thermally altered, vaporized, frozen, sutured, probed, injected or otherwise altered by any mechanical, thermal, light-based, electromagnetic, radiofrequency, ultrasonic, chemical or pharmacologic means. The term does not include the application of warm or cold compresses; the insertion and removal of punctal plugs; punctal dilation and irrigation of the lacrimal system; the removal of superficial foreign bodies; epilation of eyelashes; orthokeratology; the diagnostic use of light, laser or ultrasound for imaging or measurement purposes; OPHTHALMOSCOPY, DIRECT AND INDIRECT; BIOMICROSCOPY; OPTICAL COHERENCE TOMOGRAPHY; DIGITAL PHOTOGRAPHY, ANTERIOR OR POSTERIOR; GLARE RECOVERY TESTING; TESTING PIGMENTARY OPTICAL DENSITY; PERIMETRY; PERIPHERAL HYPERACUITY PERIMETRY; OPTOS TESTING; ANY AUTOMATED SCREEN TESTING, INCLUDING CONTRAST SENSITIVITY TESTING; COLOR VISION TESTING; AUTO OR MANUAL REFRACTION; AUTO OR MANUAL KERATOMETRY; CONTACT LENS EVALUATIONS; ANY ASSESSMENT OF THE OCULAR ADNEXA BY PALPATION TO ASSESS SKIN TEMPERATURE; TONOMETRY (IOP ASSESSMENTS); SCLERAL INDENTATION; EXPRESSING MEIBOMIAN GLANDS AND LID LESIONS WITHOUT INCISION; PACHYMETRY; A/B ULTRASONIC SCANS; CORNEAL SENSITIVITY TESTING; ORTHOKERATOLOGY AND CORNEAL RESHAPING WITH PARAGON CRT; CORNEAL TOPOGRAPHY; GONIOSCOPY; VISION THERAPY; VISION REHABILITATION; VISION SCREENING; CORNEAL CURVATURE MEASUREMENTS; STATIC RETINOSCOPY; ELECTRODIAGNOSTIC
or treatments or the use of instruments or performance of procedures that are authorized by law or regulation as of the effective date of this definition. The term shall not be construed to affect the administration and prescription of additional drugs as may be approved on or after the effective date of this definition by the Secretary of Health as provided in section 4.3(3).

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"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 as approved by the Secretary of Health as provided in section 4.3 for treatment of the eye, the eyelids, the lacrimal system and the conjunctiva and the removal of superficial foreign bodies from the ocular surface and adnexa so long as treatment of diseases or conditions of the visual system, other than glaucoma, as authorized under this paragraph shall not continue beyond six weeks from the initiation of treatment unless the prescribing optometrist documents consultation with a licensed physician. As used in this paragraph, the initiation of treatment may, but need not, include the prescription or administration of pharmaceutical agents for therapeutic purposes.

(3) The term shall not include:

(i) surgery, including, but not limited to, ophthalmic surgery or laser surgery; the use of lasers
for therapeutic purposes; and the use of injections in
the treatment of ocular disease;
    (ii) the use of Schedule I and Schedule II
controlled substances;
    (iii) treatment of systemic disease; and
    (iv) the treatment of glaucoma, except that
optometrists may use all topical pharmaceutical agents in
the treatment of primary open angle glaucoma, exfoliation
glaucoma and pigmentary glaucoma.

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Section 2. This act shall take effect in 60 days.