



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 2561      PRINTERS NO. 4373      PRIME SPONSOR: Schlegel-Culver

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Professional Licensure Augmentation Account	\$0	\$0

**SUMMARY:** Amends Act 57 of 1980 pertaining to the practice of optometry. This legislation would take effect in 60 days.

**ANALYSIS:** This legislation amends Act 57 of 1980, otherwise known as the Optometric Practice and Licensure Act, to make the following changes:

**Section 2 - Definitions:** The definition for “practice of optometry” is updated as follows:

- Allows optometrists to administer and prescribe all drugs approved by the State Board of Optometry (board) for the treatment of glaucoma and the use of epinephrine auto-injectors for anaphylaxis
- Allows optometrists to order and interpret angiography via noninvasive imaging, limited to optical coherence tomography.
- Clarifies that optometrists may not perform surgery or injections and expands upon the types of surgery that are prohibited.
- Allows optometrists to prescribe a 72-hour supply of codeine and hydrocodone combinations.
- Expand the types of conditions an optometrist may treat longer than six weeks without consultation with a licensed physician to include dry eye and allergies, in addition to glaucoma.

**Section 4.3 - Approval of Drugs:** Revises the therapeutic drug approval process by replacing the Secretary of Health from this process with the Board and the Food and Drug Administration (FDA). The legislation adds language to permit the board, on and after the effective date, to approve drugs for use in the practice of optometry after the drugs are approved by the FDA, as published in the Code of Federal Regulations.

**Section 6 - Optometric Student Externs:** Enhances the ability for optometric student externs to gain experience and instruction under a licensed optometrist by removing the fourth-year restriction.

**Section 8 - Violations and Penalties:** Adds new language to penalize an optometrist if an optometrist advertises a service that is prohibited under the practice act. A person convicted of violating this section commits a summary offense and shall, for a first offense, be subject to a fine of not more than \$1,000, and for a second or subsequent violation, be subject to a fine of not less than \$2,000, and the board may impose a suspension of the person's license for up to 30 days, in addition to the fine.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** September 23, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*