

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 2561

PRINTER NO. 4373

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

June 8, 2020

PRIME SPONSOR

Representative Schlegel Culver

DESCRIPTION

House Bill 2561 amends the Optometric Practice and Licensure Act to provide for the practice of optometry.

The legislation updates the definitions for “examination and diagnosis” and “practice of optometry.” House Bill 2561 expands the definition of “examination and diagnosis” to include the use of topical and oral pharmaceutical agents approved by the State Board of Optometry (board).

The definition for “practice of optometry” is updated as follows:

- Allows optometrists to administer and prescribe all drugs approved by the 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; and
- Expands 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.

House Bill 2561 removes the requirement for the board to submit a list of drugs authorized under the act or approved by the Food and Drug Administration to the Secretary of Health for approval. The legislations also permits the board to approve drugs for topical or oral routes of administration only, with the exception of chemotherapy drugs, for the use in the practice of optometry after the drugs are approved by the Food and Drug Administration as published in the Code of Federal Regulations.

The legislation eliminates the requirement for externs to be fourth-year optometric students in order to gain instruction and experience under the direct supervision and control of an optometrist.

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House Bill 2561 makes it unlawful by penalty of summary offense for an optometrist to advertise a prohibited service. A first offense is subject to a fine of not more than \$1,000. Second and subsequent violations increase the fine to not less than \$2,000 with possible license suspension up to 30 days by the board.

This act shall take effect in 60 days.

FISCAL IMPACT

The enactment of House Bill 2561 will have no fiscal impact on Commonwealth funds. The implementation of the provisions of House Bill 2561 can be accomplished within existing staffing and funding levels provided to the Bureau of Professional and Occupational Affairs (Department of State). The Professional Licensure Augmentation Account may realize additional revenue as a result of this legislation. The amount of revenue generated will be dependent on the number of violations and the amount of the fine.