

AMENDMENTS TO SENATE BILL NO. 391

Sponsor: SENATOR GORDNER

Printer's No. 374

1 Amend Bill, page 1, lines 1 through 6, by striking out all of
2 said lines and inserting

3 Amending the act of June 6, 1980 (P.L.197, No.57), entitled "An
4 act regulating the licensure and practice of optometry,
5 making repeals and providing penalties," further providing
6 for definitions, for approval of drugs, for exemptions and
7 exceptions and for violations and penalties.

8 Amend Bill, page 1, lines 9 through 19; pages 2 through 5,
9 lines 1 through 30; page 6, lines 1 through 24; by striking out
10 all of said lines on said pages and inserting

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

15 Section 2. Definitions.

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

19 * * *

20 "Examination and diagnosis." Any examination or diagnostic
21 means or method compatible with optometric education and
22 professional competence. The term shall encompass the use of
23 topical and oral pharmaceutical agents approved by the board as
24 provided in section 4.3 for diagnostic purposes [classified as],
25 including miotics, mydriatics, cycloplegics, topical anesthetics
26 and dyes when applied topically to the eye, [which
27 pharmaceutical agents shall be approved by the Secretary of
28 Health as provided in section 4.3 and,] subject to the rules and
29 regulations of the board, provided however that with respect to
30 optometrists licensed before March 1, 1974, only such
31 optometrists who have satisfactorily completed a course in
32 pharmacology as it applies to optometry, with particular
33 emphasis on the topical application of diagnostic pharmaceutical
34 agents to the eye, approved by the board shall be permitted to
35 use diagnostic pharmaceutical agents topically in the practice

1 of optometry.

2 * * *

3 "Practice of optometry."

4 (1) The use of any and all means or methods for the
5 examination, diagnosis and treatment of all conditions of the
6 human visual system [and shall include the examination for,
7 and adapting and fitting of, any and all kinds and types of
8 lenses including contact lenses]. The term shall include:

9 (i) The examination for, and adapting and fitting
10 of, any and all kinds and types of lenses, including
11 contact lenses.

12 (ii) The administration and prescription of all
13 legend and nonlegend drugs, either by topical or oral
14 routes of administration, approved by the board in
15 section 4.3 for the treatment of the eye, the eyelids,
16 the lacrimal system and the conjunctiva, including
17 codeine and hydrocodone combinations, so long as the
18 treatment of diseases or conditions of the visual system,
19 other than glaucoma, dry eyes or allergies, as authorized
20 under this paragraph shall not continue beyond six weeks
21 from the initiation of treatment unless the prescribing
22 optometrist documents consultation with a licensed
23 physician. As used in this paragraph, the initiation of
24 treatment may, but need not, include the prescription or
25 administration of pharmaceutical agents for therapeutic
26 purposes. The prescription of Schedule II controlled
27 substances containing codeine and hydrocodone
28 combinations may not exceed a 72-hour supply.

29 (iii) The removal of superficial foreign bodies from
30 the ocular surface or adnexa.

31 (iv) Epinephrine auto-injectors for anaphylaxis.

32 (v) The ordering and interpretation of angiography
33 via noninvasive imaging, which shall only include optical
34 coherence tomography.

35 (vi) The administration and prescription of all
36 legend and nonlegend drugs approved by the board under
37 section 4.3 for the treatment of glaucoma.

38 [(2) The administration and prescription of legend and
39 nonlegend drugs as approved by the Secretary of Health as
40 provided in section 4.3 for treatment of the eye, the
41 eyelids, the lacrimal system and the conjunctiva and the
42 removal of superficial foreign bodies from the ocular surface
43 and adnexa so long as treatment of diseases or conditions of
44 the visual system, other than glaucoma, as authorized under
45 this paragraph shall not continue beyond six weeks from the
46 initiation of treatment unless the prescribing optometrist
47 documents consultation with a licensed physician. As used in
48 this paragraph, the initiation of treatment may, but need
49 not, include the prescription or administration of
50 pharmaceutical agents for therapeutic purposes.

51 (3) The term shall not include:

(i) surgery, including, but not limited to, 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.]

(4) The term shall not include:

(i) Surgery, including, but not limited to, diagnostic, exploratory, palliative, therapeutic, rehabilitative, cosmetic, reconstructive, refractive, light-based or laser surgery; or the use of lasers for therapeutic purposes.

(ii) Injections, other than the use of epinephrine auto-injectors for anaphylaxis.

(iii) The use of Schedule I and Schedule II controlled substances, except for the use of codeine and hydrocodone combinations.

(iv) The prevention and treatment of systemic disease.

* * *

Section 2. Sections 4.3 and 6(b) of the act are amended to read:

Section 4.3. Approval of drugs.

Drugs shall be approved as follows:

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

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

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

(4) On and after the effective date of this paragraph,

1 the board may approve drugs for only topical or oral routes
2 of administration, with the exception of drugs classified as
3 chemotherapy drugs, for use in the practice of optometry
4 after the drugs are approved by the Food and Drug
5 Administration, as published in the Code of Federal
6 Regulations.

7 Section 6. Exemptions and exceptions.

8 * * *

9 (b) The board shall permit externs, who are [fourth year]
10 optometric students, to perform procedures and tests for the
11 sole purpose of instruction and experience under the direct
12 supervision and control of an optometrist licensed in this
13 Commonwealth if the procedures and tests are within the scope of
14 practice of the optometrist. Nothing contained in this act shall
15 be construed to entitle an extern to practice optometry.

16 * * *

17 Section 3. Section 8(a) of the act is amended by adding a
18 paragraph to read:

19 Section 8. Violations and penalties.

20 (a) * * *

21 (4) It is unlawful for an optometrist to advertise a
22 service prohibited under this act. A person convicted of
23 violating this paragraph commits a summary offense and shall,
24 for a first offense, be subject to a fine of not more than
25 \$1,000. For a person convicted of a second or subsequent
26 violation, be subject to a fine of not less than \$2,000, and
27 the board may impose a suspension of the person's license for
28 up to 30 days, in addition to the fine.

29 * * *

30 Section 4. This act shall take effect in 60 days.