

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2561 Session of 2020

INTRODUCED BY SCHLEGEL CULVER, TOOHIL, KULIK, PICKETT, KORTZ, YOUNGBLOOD, BARRAR, DeLUCA, READSHAW, IRVIN, JAMES, M. K. KELLER, FRITZ, BOBACK, SCHEMEL, SCHMITT, MULLERY, MIZGORSKI, ULLMAN AND HICKERNELL, JUNE 8, 2020

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 15, 2020

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 providing
4 for definitions, for approval of drugs, for exemptions and
5 exceptions and for violations and penalties.

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 "practice of optometry" in section 2 of the act of June 6,
10 1980 (P.L.197, No.57), known as the Optometric Practice and
11 Licensure Act, are amended to read:

12 Section 2. Definitions.

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

16 * * *

17 "Examination and diagnosis." Any examination or diagnostic
18 means or method compatible with optometric education and

1 professional competence. The term shall encompass the use of
2 ~~TOPICAL AND ORAL~~ pharmaceutical agents approved by the Food and <--
3 ~~Drug Administration and published in the Code of Federal~~
4 ~~Regulations~~ BOARD AS PROVIDED IN SECTION 4.3 for diagnostic <--
5 purposes [classified as], including miotics, mydriatics,
6 cycloplegics, topical anesthetics and dyes when applied
7 topically to the eye, [which pharmaceutical agents shall be
8 approved by the Secretary of Health as provided in section 4.3
9 and,] subject to the rules and regulations of the board,
10 provided however that with respect to optometrists licensed
11 before March 1, 1974, only such optometrists who have
12 satisfactorily completed a course in pharmacology as it applies
13 to optometry, with particular emphasis on the topical
14 application of diagnostic pharmaceutical agents to the eye,
15 approved by the board shall be permitted to use diagnostic
16 pharmaceutical agents topically in the practice of optometry.

17 * * *

18 "Practice of optometry."

19 (1) The use of any and all means or methods for the
20 examination, diagnosis, ~~prevention~~ and treatment of all <--
21 conditions of the human visual system [and shall include the
22 examination for, and adapting and fitting of, any and all
23 kinds and types of lenses including contact lenses]. The term
24 shall include:

25 (i) The examination for, and adapting and fitting
26 of, any and all kinds and types of lenses, including
27 contact lenses.

28 (ii) The administration and prescription of all
29 legend and nonlegend drugs, EITHER BY TOPICAL OR ORAL <--
30 ROUTES OF ADMINISTRATION, approved by the board in

1 section 4.3 for the treatment of ~~diseases and conditions~~ <--
2 ~~affecting the eye and adnexa~~, THE EYELIDS, THE LACRIMAL <--
3 SYSTEM AND THE CONJUNCTIVA, including codeine and
4 hydrocodone combinations~~;~~, SO LONG AS THE TREATMENT OF <--
5 DISEASES OR CONDITIONS OF THE VISUAL SYSTEM, OTHER THAN
6 GLAUCOMA, DRY EYES OR ALLERGIES, AS AUTHORIZED UNDER THIS
7 PARAGRAPH SHALL NOT CONTINUE BEYOND SIX WEEKS FROM THE
8 INITIATION OF TREATMENT UNLESS THE PRESCRIBING
9 OPTOMETRIST DOCUMENTS CONSULTATION WITH A LICENSED
10 PHYSICIAN. AS USED IN THIS PARAGRAPH, THE INITIATION OF
11 TREATMENT MAY, BUT NEED NOT, INCLUDE THE PRESCRIPTION OR
12 ADMINISTRATION OF PHARMACEUTICAL AGENTS FOR THERAPEUTIC
13 PURPOSES. The prescription of Schedule II controlled
14 substances containing codeine and hydrocodone
15 combinations may not exceed a 72-hour supply.

16 (iii) The removal of superficial foreign bodies FROM <--
17 THE OCULAR SURFACE OR ADNEXA.

18 ~~(iv) The draining of superficial cysts.~~ <--

19 ~~(v) (IV) Epinephrine auto-injectors for anaphylaxis.~~ <--

20 ~~(vi) (V) The ordering and interpretation of <--~~
21 angiography via noninvasive imaging~~;~~, WHICH SHALL ONLY <--
22 INCLUDE OPTICAL COHERENCE TOMOGRAPHY.

23 ~~(vii) The treatment of glaucoma.~~ <--

24 (VI) THE ADMINISTRATION AND PRESCRIPTION OF ALL <--
25 LEGEND AND NONLEGEND DRUGS APPROVED BY THE BOARD UNDER
26 SECTION 4.3 FOR THE TREATMENT OF GLAUCOMA.

27 [(2) The administration and prescription of legend and
28 nonlegend drugs ~~as approved by the Secretary of Health as~~ <--
29 provided in section 4.3~~]~~ for treatment of the eye, the <--
30 eyelids, the lacrimal system and the conjunctiva and the

1 removal of superficial foreign bodies from the ocular surface
2 and adnexa so long as treatment of diseases or conditions of
3 the visual system, other than glaucoma, ~~dry eyes or~~ <--
4 ~~allergies,~~ as authorized under this paragraph shall not
5 continue beyond six weeks from the initiation of treatment
6 unless the prescribing optometrist documents consultation
7 with a licensed physician. As used in this paragraph, the
8 initiation of treatment may, but need not, include the
9 prescription or administration of pharmaceutical agents for
10 therapeutic purposes.

11 †(3) The term shall not include: <--

12 (i) surgery, including, but not limited to, laser
13 surgery; the use of lasers for therapeutic purposes; and
14 the use of injections in the treatment of ocular disease;

15 (ii) the use of Schedule I and Schedule II
16 controlled substances;

17 (iii) treatment of systemic disease; and

18 (iv) the treatment of glaucoma, except that
19 optometrists may use all topical pharmaceutical agents in
20 the treatment of primary open angle glaucoma, exfoliation
21 glaucoma and pigmentary glaucoma.]

22 (4) The term shall not include:

23 (i) Surgery, including, but not limited to,

24 diagnostic, EXPLORATORY, palliative, therapeutic, <--

25 rehabilitative, cosmetic, RECONSTRUCTIVE, refractive, <--

26 LIGHT-BASED or laser surgery; OR THE USE OF LASERS FOR <--

27 THERAPEUTIC PURPOSES.

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

30 (iii) The use of Schedule I and Schedule II

1 controlled substances, except for the use of codeine and
2 hydrocodone combinations and any drugs approved by the <--
3 board in section 4.3 for the treatment of ocular disease.

4 (iv) The PREVENTION AND treatment of systemic <--
5 disease.

6 * * *

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

9 Section 4.3. Approval of drugs.

10 Drugs shall be approved as follows:

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

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

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

1 90 days, the drugs shall be deemed approved for use under
2 this act.]

3 (4) On and after the effective date of this paragraph,
4 the board may approve drugs FOR ONLY TOPICAL OR ORAL ROUTES <--
5 OF ADMINISTRATION, WITH THE EXCEPTION OF DRUGS CLASSIFIED AS
6 CHEMOTHERAPY DRUGS, for use in the practice of optometry
7 after the drugs are approved by the Food and Drug
8 Administration, as published in the Code of Federal
9 Regulations.

10 Section 6. Exemptions and exceptions.

11 * * *

12 (b) The board shall permit externs, who are [fourth year]
13 optometric students, to perform procedures and tests for the
14 sole purpose of instruction and experience under the direct
15 supervision and control of an optometrist licensed in this
16 Commonwealth IF THE PROCEDURES AND TESTS ARE WITHIN THE SCOPE OF <--
17 PRACTICE OF THE OPTOMETRIST. Nothing contained in this act shall
18 be construed to entitle an extern to practice optometry.

19 * * *

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

22 Section 8. Violations and penalties.

23 (a) * * *

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

1 up to 30 days, in addition to the fine.

2 * * *

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