
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1123 Session of
2007

INTRODUCED BY PICCOLA, M. WHITE, PUNT, GORDNER, BOSCOLA, EARLL,
LOGAN, STACK, D. WHITE, WONDERLING, WOZNIAK, BROWNE, MUSTO,
EICHELBERGER, FERLO, WAUGH, MADIGAN, RAFFERTY AND REGOLA,
OCTOBER 19, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
OCTOBER 19, 2007

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 the definitions of "examination and diagnosis" and
5 "practice of optometry" and for approval of drugs.

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, amended December 16, 2002 (P.L.1950, No.225), are
12 amended to read:

13 Section 2. Definitions.

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

17 * * *

18 "Examination and diagnosis." Any examination or diagnostic

1 means or method compatible with optometric education and
2 professional competence. The term shall encompass the use of
3 pharmaceutical agents approved by the Food and Drug
4 Administration and published in the Code of Federal Regulations
5 for diagnostic purposes classified as 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, provided
10 however that with respect to optometrists licensed before March
11 1, 1974, only such optometrists who have satisfactorily
12 completed a course in pharmacology as it applies to optometry,
13 with particular emphasis on the topical application of
14 diagnostic pharmaceutical agents to the eye, approved by the
15 board shall be permitted to use diagnostic pharmaceutical agents
16 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 and treatment of conditions of the
21 human visual system and shall include the examination for,
22 and adapting and fitting of, any and all kinds and types of
23 lenses including contact lenses.

24 (2) The administration and prescription of legend and
25 nonlegend drugs as approved by the [Secretary of Health as
26 provided in section 4.3] Food and Drug Administration and
27 published in the Code of Federal Regulations for treatment of
28 the eye, the eyelids, the lacrimal system and the conjunctiva
29 and the removal of superficial foreign bodies from the ocular
30 surface and adnexa. [so long as treatment of diseases or

1 conditions of the visual system, other than glaucoma, as
2 authorized under this paragraph shall not continue beyond six
3 weeks from the initiation of treatment unless the prescribing
4 optometrist documents consultation with a licensed
5 physician.] As used in this paragraph, the initiation of
6 treatment may, but need not, include the prescription or
7 administration of pharmaceutical agents for therapeutic
8 purposes.

9 (3) The term shall not include any of the following:

10 (i) [surgery] Surgery, including, but not limited
11 to, laser surgery[;] and the use of lasers for
12 therapeutic purposes[; and the].

13 (i.1) The use of injections in the treatment of
14 ocular disease[;], except for injections to control
15 anaphylactic shock, treat chalazia and to drain
16 superficial cysts.

17 (ii) [the] The use of Schedule I [and Schedule II]
18 controlled substances[;].

19 (iii) [treatment] Treatment of systemic disease[;
20 and].

21 [(iv) the treatment of glaucoma, except that
22 optometrists may use all topical pharmaceutical agents in
23 the treatment of primary open angle glaucoma, exfoliation
24 glaucoma and pigmentary glaucoma.]

25 * * *

26 Section 2. Section 4.3 of the act, added December 16, 2002
27 (P.L.1950, No.225), is repealed:

28 [Section 4.3. Approval of drugs.

29 Drugs shall be approved as follows:

30 (1) All drugs currently approved by the Secretary of

1 Health and in use in the practice of optometry on the
2 effective date of this section shall be deemed approved under
3 this section.

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

12 (3) The State Board of Optometry shall provide the
13 Secretary of Health with lists of additional drugs for use
14 under this act after such drugs are approved by the Food and
15 Drug Administration, as published in the Code of Federal
16 Regulations. The Secretary of Health, in consultation with
17 the Physician General, shall approve or disapprove for good
18 cause any such drug within 90 days of the receipt of the
19 list. Upon failure of the Secretary of Health to act within
20 90 days, the drugs shall be deemed approved for use under
21 this act.]

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