
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 838 Session of
2011

INTRODUCED BY BEAR, TURZAI, DERMODY, SAYLOR, HANNA, AUMENT,
CARROLL, CLYMER, COHEN, D. COSTA, P. COSTA, CUTLER, FABRIZIO,
FLECK, GEIST, GERGELY, GILLESPIE, GINGRICH, GOODMAN, HARKINS,
HESS, HORNAMAN, KILLION, KOTIK, MANN, MARSICO, MILLARD,
MILNE, MOUL, MURT, D. O'BRIEN, PARKER, PAYTON, SANTONI,
SCAVELLO, M. SMITH, SONNEY, STURLA, SWANGER AND TOEPEL,
APRIL 28, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 28, 2011

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," defining "ophthalmic
4 surgery"; and further defining "practice of optometry."

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The definition of "practice of optometry" in
8 section 2 of the act of June 6, 1980 (P.L.197, No.57), known as
9 the Optometric Practice and Licensure Act, amended December 16,
10 2002 (P.L.1950, No.225), is amended and the section is amended
11 by adding a definition 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 * * *

1 "Ophthalmic surgery." A treatment or procedure, diagnostic,
2 palliative, therapeutic, rehabilitative, cosmetic or refractive,
3 for conditions or disease processes involving the eye or ocular
4 adnexa, utilizing lasers, cautery, ionizing or nonionizing
5 radiation, scalpels, probes, needles or other instruments in
6 which the human eye or ocular adnexa is cut, drained,
7 penetrated, thermally altered, vaporized, frozen, sutured,
8 probed, injected or otherwise altered by any mechanical,
9 thermal, light-based, electromagnetic, radiofrequency,
10 ultrasonic, chemical or pharmacologic means. The term does not
11 include the application of warm or cold compresses; the
12 insertion and removal of punctal plugs; punctal dilation and
13 irrigation of the lacrimal system; the removal of superficial
14 foreign bodies; epilation of eyelashes; orthokeratology; the
15 diagnostic use of light, laser or ultrasound for imaging or
16 measurement purposes; or treatments or the use of instruments or
17 performance of procedures that are authorized by law or
18 regulation as of the effective date of this definition. The term
19 shall not be construed to affect the administration and
20 prescription of additional drugs as may be approved on or after
21 the effective date of this definition by the Secretary of Health
22 as provided in section 4.3(3).

23 * * *

24 "Practice of optometry."

25 (1) The use of any and all means or methods for the
26 examination, diagnosis and treatment of conditions of the
27 human visual system and shall include the examination for,
28 and adapting and fitting of, any and all kinds and types of
29 lenses including contact lenses.

30 (2) The administration and prescription of legend and

1 nonlegend drugs as approved by the Secretary of Health as
2 provided in section 4.3 for treatment of the eye, the
3 eyelids, the lacrimal system and the conjunctiva and the
4 removal of superficial foreign bodies from the ocular surface
5 and adnexa so long as treatment of diseases or conditions of
6 the visual system, other than glaucoma, as authorized under
7 this paragraph shall not continue beyond six weeks from the
8 initiation of treatment unless the prescribing optometrist
9 documents consultation with a licensed physician. As used in
10 this paragraph, the initiation of treatment may, but need
11 not, include the prescription or administration of
12 pharmaceutical agents for therapeutic purposes.

13 (3) The term shall not include:

14 (i) surgery, including, but not limited to,
15 ophthalmic surgery or laser surgery; the use of lasers
16 for therapeutic purposes; and the use of injections in
17 the treatment of ocular disease;

18 (ii) the use of Schedule I and Schedule II
19 controlled substances;

20 (iii) treatment of systemic disease; 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. This act shall take effect in 60 days.