

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 838** Session of
2011

INTRODUCED BY BEAR, TURZAI, DERMODY, SAYLOR, HANNA, AUMENT,
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M. SMITH, SONNEY, STURLA, SWANGER, TOEPEL, FARRY, WHITE,
DIGIROLAMO AND DAVIS, APRIL 28, 2011

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 11, 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; OPHTHALMOSCOPY, DIRECT AND INDIRECT;
17 BIOMICROSCOPY; OPTICAL COHERENCE TOMOGRAPHY; DIGITAL
18 PHOTOGRAPHY, ANTERIOR OR POSTERIOR; GLARE RECOVERY TESTING;
19 TESTING PIGMENTARY OPTICAL DENSITY; PERIMETRY; PERIPHERAL
20 HYPERACUITY PERIMETRY; OPTOS TESTING; ANY AUTOMATED SCREEN
21 TESTING, INCLUDING CONTRAST SENSITIVITY TESTING; COLOR VISION
22 TESTING; AUTO OR MANUAL REFRACTION; AUTO OR MANUAL KERATOMETRY;
23 CONTACT LENS EVALUATIONS; ANY ASSESSMENT OF THE OCULAR ADNEXA BY
24 PALPATION TO ASSESS SKIN TEMPERATURE; TONOMETRY (IOP
25 ASSESSMENTS); SCLERAL INDENTATION; EXPRESSING MEIBOMIAN GLANDS
26 AND LID LESIONS WITHOUT INCISION; PACHYMETRY; A/B ULTRASONIC
27 SCANS; CORNEAL SENSITIVITY TESTING; ORTHOKERATOLOGY AND CORNEAL
28 RESHAPING WITH PARAGON CRT; CORNEAL TOPOGRAPHY; GONIOSCOPY;
29 VISION THERAPY; VISION REHABILITATION; VISION SCREENING; CORNEAL
30 CURVATURE MEASUREMENTS; STATIC RETINOSCOPY; ELECTRODIAGNOSTIC



1 TESTING; or treatments or the use of instruments or performance
2 of procedures that are authorized by law or regulation as of the
3 effective date of this definition. The term shall not be
4 construed to affect the administration and prescription of
5 additional drugs as may be approved on or after the effective
6 date of this definition by the Secretary of Health as provided
7 in section 4.3(3).

8 * * *

9 "Practice of optometry."

10 (1) The use of any and all means or methods for the
11 examination, diagnosis and treatment of conditions of the
12 human visual system and shall include the examination for,
13 and adapting and fitting of, any and all kinds and types of
14 lenses including contact lenses.

15 (2) The administration and prescription of legend and
16 nonlegend drugs as approved by the Secretary of Health as
17 provided in section 4.3 for treatment of the eye, the
18 eyelids, the lacrimal system and the conjunctiva and the
19 removal of superficial foreign bodies from the ocular surface
20 and adnexa so long as treatment of diseases or conditions of
21 the visual system, other than glaucoma, as authorized under
22 this paragraph shall not continue beyond six weeks from the
23 initiation of treatment unless the prescribing optometrist
24 documents consultation with a licensed physician. As used in
25 this paragraph, the initiation of treatment may, but need
26 not, include the prescription or administration of
27 pharmaceutical agents for therapeutic purposes.

28 (3) The term shall not include:

29 (i) surgery, including, but not limited to,
30 ophthalmic surgery or laser surgery; the use of lasers

1 for therapeutic purposes; and the use of injections in
2 the treatment of ocular disease;

3 (ii) the use of Schedule I and Schedule II
4 controlled substances;

5 (iii) treatment of systemic disease; and

6 (iv) the treatment of glaucoma, except that
7 optometrists may use all topical pharmaceutical agents in
8 the treatment of primary open angle glaucoma, exfoliation
9 glaucoma and pigmentary glaucoma.

10 * * *

11 Section 2. This act shall take effect in 60 days.