
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1012 Session of
2015

INTRODUCED BY GORDNER, WHITE, ARGALL, BAKER, SCARNATI,
HUTCHINSON, BARTOLOTTA, YUDICHAK, STEFANO, WOZNIAK, RAFFERTY,
FOLMER, PILEGGI AND TEPLITZ, SEPTEMBER 29, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
SEPTEMBER 29, 2015

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 and for approval of drugs; providing for
5 imaging test; and further providing for exemptions and
6 exceptions.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "examination and diagnosis,"
10 "optometrist" and "practice of optometry" in section 2 of the
11 act of June 6, 1980 (P.L.197, No.57), known as the Optometric
12 Practice and Licensure Act, amended December 16, 2002 (P.L.1950,
13 No.225), are amended to read:

14 Section 2. Definitions.

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

18 * * *

19 "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] including, but not
6 limited to, miotics, mydriatics, cycloplegics, topical
7 anesthetics and dyes when applied topically to the eye, [which
8 pharmaceutical agents shall be approved by the Secretary of
9 Health as provided in section 4.3 and,] subject to the rules and
10 regulations of the board, provided however that with respect to
11 optometrists licensed before March 1, 1974, only such
12 optometrists who have satisfactorily completed a course in
13 pharmacology as it applies to optometry, with particular
14 emphasis on the topical application of diagnostic pharmaceutical
15 agents to the eye, approved by the board shall be permitted to
16 use diagnostic pharmaceutical agents topically in the practice
17 of optometry.

18 * * *

19 "Optometrist." Any person who, following formal and
20 recognized training in the art and science of optometry has
21 received a doctor of optometry degree from an accredited
22 institution and is qualified to seek or has acquired a license
23 to practice the profession of optometry. An optometrist shall be
24 identified either by "Doctor of Optometry," "O.D.," [or "Dr."
25 followed by "Optometrist] "Doctor" or "Optometric Physician."

26 "Practice of optometry."

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

1 lenses including contact lenses.

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

15 (3) The term shall not include:

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

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

21 (iii) treatment of systemic disease; and

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

26 (2) The administration and prescription of all legend
27 and nonlegend drugs as approved by the Food and Drug
28 Administration and published in the Code of Federal
29 Regulations necessary and applicable for the treatment of
30 diseases and conditions of the eye and the adnexa, including

1 the removal of foreign bodies, drainage of superficial cysts,
2 injection into the adnexa and for anaphylaxis. As used in
3 this paragraph, the initiation of treatment may include the
4 prescription or administration of pharmaceutical agents by
5 any means, methods or delivery systems.

6 (3) The term shall not include:

7 (i) Surgery. An insurance procedure and billing code
8 may not be used to define or interpret a definition of
9 surgery.

10 (ii) The use of Schedule I and Schedule II
11 controlled substances, except for the use of codeine and
12 hydrocodone combinations prior to the effective date of
13 this subparagraph, notwithstanding codeine and
14 hydrocodone combinations re-classification from Schedule
15 III to Schedule II.

16 * * *

17 Section 2. Section 4.3 of the act is repealed:

18 [Section 4.3. Approval of drugs.

19 Drugs shall be approved as follows:

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

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

1 under this act.

2 (3) The State Board of Optometry shall provide the
3 Secretary of Health with lists of additional drugs for use
4 under this act after such drugs are approved by the Food and
5 Drug Administration, as published in the Code of Federal
6 Regulations. The Secretary of Health, in consultation with
7 the Physician General, shall approve or disapprove for good
8 cause any such drug within 90 days of the receipt of the
9 list. Upon failure of the Secretary of Health to act within
10 90 days, the drugs shall be deemed approved for use under
11 this act.]

12 Section 3. The act is amended by adding a section to read:

13 Section 4.4. Imaging test.

14 An optometrist may order an imaging test appropriate for
15 diagnosis and treatment of a disease or condition of the human
16 visual system.

17 Section 4. Section 6(b) of the act is amended to read:

18 Section 6. Exemptions and exceptions.

19 * * *

20 (b) The board shall permit externs, who are [fourth year]
21 optometric students, to perform procedures and tests for the
22 sole purpose of instruction and experience under the direct
23 supervision and control of an optometrist licensed in this
24 Commonwealth. Nothing contained in this act shall be construed
25 to entitle an extern to practice optometry.

26 * * *

27 Section 5. This act shall take effect in 60 days.