PRINTER'S NO. 787

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of 2017

INTRODUCED BY GORDNER, FOLMER, BAKER, YUDICHAK, WHITE, HUTCHINSON, STEFANO, SCARNATI, BREWSTER AND RAFFERTY, MAY 4, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, MAY 4, 2017

AN ACT

Amending the act of June 6, 1980 (P.L.197, No.57), entitled "An act regulating the licensure and practice of optometry, making repeals and providing penalties," further providing for definitions; repealing provisions related to approval of drugs; providing for imaging test; and further providing for exemptions and exceptions.

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

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

Section 2. Definitions.

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

* * *

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

professional competence. The term shall encompass the use of pharmaceutical agents approved by the Food and Drug Administration and published in the Code of Federal Regulations for diagnostic purposes [classified as], including, but not limited to, miotics, mydriatics, cycloplegics, topical anesthetics and dyes when applied topically to the eye, [which pharmaceutical agents shall be approved by the Secretary of Health as provided in section 4.3 and,] subject to the rules and regulations of the board, provided however that with respect to optometrists licensed before March 1, 1974, only such optometrists who have satisfactorily completed a course in pharmacology as it applies to optometry, with particular emphasis on the topical application of diagnostic pharmaceutical agents to the eye, approved by the board shall be permitted to use diagnostic pharmaceutical agents topically in the practice of optometry.

* * *

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

"Practice of optometry."

(1) The use of any and all means or methods for the examination, diagnosis and treatment of all conditions of the human visual system, including all conditions of the anterior segment of the human eye applicable to this act, and shall include the examination for, and adapting and fitting of, any

and all kinds and types of lenses including contact lenses.

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

(3) The term shall not include:

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

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

(iii) treatment of systemic disease; and

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

(4) The administration and prescription of all legend and nonlegend drugs approved by the Commonwealth for the treatment of ocular conditions. The term shall include the use of nonopioid analgesic and all legend and nonlegend drugs approved by the Food and Drug Administration and published in

the Code of Federal Regulations necessary and applicable for the treatment of diseases and conditions of the eye and the adnexa, including the removal of foreign bodies, drainage of superficial cysts of the eyelids, injection for anaphylaxis and into the upper and lower eyelids and into preplaced portals for the delivery of pharmaceuticals for purpose of treating diseases and conditions of the anterior segment. As used in this paragraph, the initiation of treatment shall include the prescription or administration of pharmaceutical agents by any means, methods or delivery systems.

(5) The term shall not include:

(i) Surgery with a scalpel or scissors, refractive or therapeutic surgery with a laser and surgery with a croyoprobe. An insurance procedure or billing code may not be used to define or interpret a definition of surgery.

(ii) Injection into the globe.

(iii) The use of Schedule I and Schedule II controlled substances, except for the use of codeine and hydrocodone combinations which were reclassified from Schedule III to Schedule II prior to the effective date of this subparagraph and any drugs approved by the Commonwealth under this act for the treatment of ocular disease.

* * *

Section 2. Section 4.3 of the act is repealed:

[Section 4.3. Approval of drugs.

Drugs shall be approved as follows:

(1) All drugs currently approved by the Secretary of Health and in use in the practice of optometry on the

effective date of this section shall be deemed approved under this section.

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

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

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

Section 4.4. Imaging test.

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

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

Section 6. Exemptions and exceptions.

* * *

(b) The board shall permit externs, who are [fourth year] optometric students, to perform procedures and tests for the

sole purpose of instruction and experience under the direct supervision and control of an optometrist licensed in this Commonwealth. Nothing contained in this act shall be construed to entitle an extern to practice optometry.

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