

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of 2017

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 6, 2018

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; repealing provisions related to approval of
5 drugs; providing for imaging test; and further providing for
6 exemptions and 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, are 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
19 means or method compatible with optometric education and

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

17 \* \* \*

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

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, including all conditions of the anterior  
30 segment of the human eye applicable to this act, and shall

1 include the examination for, and adapting and fitting of, any  
2 and all kinds and types of lenses including contact lenses.

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

16 (3) The term shall not include:

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

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

22 (iii) treatment of systemic disease; and

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

27 (4) The administration and prescription of all legend  
28 and nonlegend drugs approved by the Commonwealth for the  
29 treatment of ocular conditions. The term shall include the  
30 use of nonopioid analgesic and all legend and nonlegend drugs

1 approved by the Food and Drug Administration and published in  
2 the Code of Federal Regulations necessary and applicable for  
3 the treatment of diseases and conditions of the eye and the  
4 adnexa, including the removal of foreign bodies, drainage of  
5 superficial cysts of the eyelids, injection for anaphylaxis  
6 and into the upper and lower eyelids and into preplaced  
7 portals for the delivery of pharmaceuticals for purpose of  
8 treating diseases and conditions of the anterior segment. As  
9 used in this paragraph, the initiation of treatment shall  
10 include the prescription or administration of pharmaceutical  
11 agents by any means, methods or delivery systems.

12 (5) The term shall not include:

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

18 (ii) Injection into the globe.

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

26 \* \* \*

27 Section 2. Section 4.3 of the act 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. The act is amended by adding a section to read:

23 Section 4.4. Imaging test.

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

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

28 Section 6. Exemptions and exceptions.

29 \* \* \*

30 (b) The board shall permit externs, who are [fourth year]

1 optometric students, to perform procedures and tests for the  
2 sole purpose of instruction and experience under the direct  
3 supervision and control of an optometrist licensed in this  
4 Commonwealth. Nothing contained in this act shall be construed  
5 to entitle an extern to practice optometry.

6 \* \* \*

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