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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2561 Session of  
2020

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INTRODUCED BY SCHLEGEL CULVER, TOOHIL, KULIK, PICKETT, KORTZ,  
YOUNGBLOOD, BARRAR, DeLUCA, READSHAW, IRVIN, JAMES,  
M. K. KELLER, FRITZ, BOBACK, SCHEMEL, SCHMITT AND MULLERY,  
JUNE 8, 2020

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 8, 2020

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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, for approval of drugs, for exemptions and  
5 exceptions and for violations and penalties.

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

8 Section 1. The definitions of "examination and diagnosis"  
9 and "practice of optometry" in section 2 of the act of June 6,  
10 1980 (P.L.197, No.57), known as the Optometric Practice and  
11 Licensure Act, are amended 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 \* \* \*

17 "Examination and diagnosis." Any examination or diagnostic  
18 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 miotics,  
5 mydriatics, cycloplegics, topical anesthetics and dyes when  
6 applied topically to the eye, [which pharmaceutical agents shall  
7 be approved by the Secretary of Health as provided in section  
8 4.3 and,] subject to the rules and regulations of the board,  
9 provided however that with respect to optometrists licensed  
10 before March 1, 1974, only such optometrists who have  
11 satisfactorily completed a course in pharmacology as it applies  
12 to optometry, with particular emphasis on the topical  
13 application of diagnostic pharmaceutical agents to the eye,  
14 approved by the board shall be permitted to use diagnostic  
15 pharmaceutical agents topically in the practice of optometry.

16 \* \* \*

17 "Practice of optometry."

18 (1) The use of any and all means or methods for the  
19 examination, diagnosis, prevention and treatment of all  
20 conditions of the human visual system [and shall include the  
21 examination for, and adapting and fitting of, any and all  
22 kinds and types of lenses including contact lenses]. The term  
23 shall include:

24 (i) The examination for, and adapting and fitting  
25 of, any and all kinds and types of lenses, including  
26 contact lenses.

27 (ii) The administration and prescription of all  
28 legend and nonlegend drugs approved by the board in  
29 section 4.3 for the treatment of diseases and conditions  
30 affecting the eye and adnexa, including codeine and

1 hydrocodone combinations. The prescription of Schedule II  
2 controlled substances containing codeine and hydrocodone  
3 combinations may not exceed a 72-hour supply.

4 (iii) The removal of superficial foreign bodies.

5 (iv) The draining of superficial cysts.

6 (v) Epinephrine auto-injectors for anaphylaxis.

7 (vi) The ordering and interpretation of angiography  
8 via noninvasive imaging.

9 (vii) The treatment of glaucoma.

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

24 [(3) The term shall not include:

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

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

30 (iii) treatment of systemic disease; and

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

5 (4) The term shall not include:

6 (i) Surgery, including, but not limited to,  
7 diagnostic, palliative, therapeutic, rehabilitative,  
8 cosmetic, refractive or laser surgery.

9 (ii) Injections, other than the use of epinephrine  
10 auto-injectors for anaphylaxis.

11 (iii) The use of Schedule I and Schedule II  
12 controlled substances, except for the use of codeine and  
13 hydrocodone combinations and any drugs approved by the  
14 board in section 4.3 for the treatment of ocular disease.

15 (iv) The treatment of systemic disease.

16 \* \* \*

17 Section 2. Sections 4.3 and 6(b) of the act are amended to  
18 read:

19 Section 4.3. Approval of drugs.

20 Drugs shall be approved as follows:

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

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

1 list of drugs, the drugs shall be deemed approved for use  
2 under this act.

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

13 (4) On and after the effective date of this paragraph,  
14 the board may approve drugs for use in the practice of  
15 optometry after the drugs are approved by the Food and Drug  
16 Administration, as published in the Code of Federal  
17 Regulations.

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 3. Section 8(a) of the act is amended by adding a  
28 paragraph to read:

29 Section 8. Violations and penalties.

30 (a) \* \* \*

1           (4) It is unlawful for an optometrist to advertise a  
2 service prohibited under this act. A person convicted of  
3 violating this paragraph commits a summary offense and shall,  
4 for a first offense, be subject to a fine of not more than  
5 \$1,000. For a person convicted of a second or subsequent  
6 violation, be subject to a fine of not less than \$2,000, and  
7 the board may impose a suspension of the person's license for  
8 up to 30 days, in addition to the fine.

9           \* \* \*

10          Section 4. This act shall take effect in 60 days.