

No. 2002-225

## AN ACT

SB 831

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 defining "examination and diagnosis" and "practice of optometry"; and providing for requirements concerning pharmaceutical agents for the treatment of glaucoma and for approval of drugs.

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

Section 1. The definitions of "examination and diagnosis" 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, amended October 30, 1996 (P.L.721, No.130), 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 for diagnostic purposes classified as 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.

\* \* \*

"Practice of optometry."

(1) The use of any and all means or methods for the examination, diagnosis and treatment of conditions of the human visual system 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 [anterior segment 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) the use of beta blockers and the use of steroids;

(iv) treatment of systemic disease; and

(v) the treatment of glaucoma.]

(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.*

\* \* \*

Section 2. The act is amended by adding sections to read:

**Section 4.2. Additional requirements to prescribe and administer pharmaceutical agents for the treatment of certain types of glaucoma.**

**(a) Prior to treating glaucoma for the first time, all therapeutically certified optometrists must have passed an examination that included prescription and administration of pharmaceutical agents for therapeutic purposes as required in section 4.1(a). Therapeutically certified optometrists who passed the examination under section 4.1(a)(2) shall also complete at least 18 hours of continuing education in glaucoma. In order to continue treating glaucoma, the therapeutically certified optometrist shall, as part of the continuing education required for renewal of a license under this act, complete at least four hours in the study of the prescription and administration of pharmaceutical agents for the treatment of glaucoma.**

**(b) Therapeutically certified optometrists who prescribe and administer pharmaceutical agents for the treatment of glaucoma permitted under this act shall obtain and maintain professional liability insurance in accordance with section 3(a)(2.5), except that the amount of professional liability insurance maintained shall be a minimum of \$1,000,000 per occurrence and \$3,000,000 per annual aggregate.**

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

Section 8. Violations and penalties.

(a) \* \* \*

**(3) It is unlawful for optometrists to hold themselves out as performing laser surgery or using therapeutic lasers.**

\* \* \*

Section 4. This act shall take effect immediately.

APPROVED—The 16th day of December, A.D. 2002.

MARK S. SCHWEIKER