



**House
Legislative
Analysis
Section**

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OPTOMETRIST-ADMINISTERED DRUGS

House Bill 5200
Sponsor: Rep. Curtis Hertel
Committee: Public Health

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A SUMMARY OF HOUSE BILL 5200 AS INTRODUCED 10-18-89

Under a 1984 amendment to the Public Health Code (Public Act 42 of 1984), some pharmacists (those who were properly certified) were allowed to administer two diagnostic drugs (called topical ocular diagnostic pharmaceutical agents): a commercially prepared topical anesthetic (Proparacaine HCL 0.5 percent) and a commercially prepared cycloplegic/mydriatic (Tropicamide in strength not greater than one percent).

Under the same 1984 amendment, optometrists also were:

- allowed to use the diagnostic drugs only to evaluate the structure and function of the human eye (and, in the case of the topical anesthetic, only in diagnostic procedures that help detect glaucoma);
- prohibited from accepting third party reimbursement for the use of these drugs;
- prohibited from using "drugs or any other means" to treat signs or symptoms of disease, and;
- required to "promptly" refer patients suspected of having a disease of the eye to a physician.

Under the amendment, the Board of Optometrists also was required to consult with both boards of medicine (allopathic and osteopathic) and the Board of Pharmacy before approving certification requirements for optometrists (the courses of study, the examination, and the emergency plan required of optometrists seeking certification to use these two drugs).

The bill would amend the scope of practice of optometrists to allow properly certified optometrists to administer certain therapeutic drugs as well as certain diagnostic drugs (and to obtain such prescription drugs from wholesale distributors and pharmacists); strike the prohibitions on third party reimbursement and on using drugs ("or any other means") to treat signs or symptoms of disease; and strike the requirement that the Board of Optometry consult with other health professional boards before approving certification requirements for optometrists.

Definitions. The bill would define "diagnostic pharmaceutical agent" to mean "any noninjected pharmaceutical used for the purpose of ascertaining or aiding in diagnosis" and would define "therapeutic pharmaceutical agent" to mean topically or orally administered agents used to treat or alleviate the effects of diseases or abnormal conditions of the front ("anterior") part of the eye or related structures, as well as certain orally administered analgesics (those included in schedules 3 and 4 of the controlled substances sections of the health code). The bill also would define "noninvasive procedures" (used in the description of the scope of practice of optometry) to mean procedures, other than those requiring incision or lasers, used to diagnose or treat a disease or abnormal condition of the front part of the eye or related structures.

Practice of optometry. Presently optometry includes five practices:

- (1) examining the human eye for defects that can be corrected by mechanical devices (including lenses and prisms);
- (2) using "objective or subjective physical means" to determine "the accomodative or refractive conditions or the range of powers of vision or muscular equilibrium" of the eye;
- (3) adapting or adjusting lenses or prisms to correct defects or abnormal conditions of the eye;
- (4) examining the eye for contact lenses and fitting or inserting contact lenses; and (5) using "objective and subjective means," including the two diagnostic drugs, to examine the eye for abnormalities, to measure the "powers of vision," and to appropriately adapt lenses for these conditions.

The bill would retain the provision regarding contact lenses, strike the last provision regarding diagnostic drugs (basically incorporating it into one of the rewritten provisions), and rewrite the remaining three provisions (1, 2, and 3) as follows:

- (1) examining the eye and related structures for visual defects, abnormal conditions, or diseases in order to diagnose, treat, or refer for consultation and treatment;
- (2) using instruments, devices, diagnostic and therapeutic drugs, and noninvasive procedures to investigate, examine, diagnose, treat, or correct visual defects; and
- (3) prescribing and applying "lenses, prisms, devices containing lenses or prisms, orthoptics, visual therapy, diagnostic pharmaceutical agents and therapeutic pharmaceutical agents, prosthetic devices, and other noninvasive procedures" to correct, alleviate, or treat visual defects, abnormal conditions, or diseases of the eye.

Certification requirements. Presently, an optometrist may be certified to administer diagnostic drugs upon meeting five requirements:

- (1) paying the necessary fees (in addition to the license fee, a \$75 certification fee);
- (2) successfully completing a course in cardiopulmonary resuscitation;
- (3) establishing an emergency plan for managing and referring patients who might have an adverse reaction to the drugs;
- (4) successfully completing 60 classroom hours in general and clinical pharmacology relative to the practice of optometry (with at least 30 hours in ocular pharmacology, emphasizing the systemic effects and reactions to diagnostic drugs); and

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(5) passing a board-approved examination in general and ocular pharmacology after completing the coursework.

Under the bill, an optometrist also could be certified by the Board of Optometry by meeting three requirements:

- (1) paying the necessary fees prescribed in the State License Fee Act (note: the act currently does not include a fee for certification to use ocular therapeutic drugs);
- (2) being certified to administer diagnostic drugs; and
- (3) successfully completing either a course of study in therapeutic drugs or a board-approved examination on the treatment and management of ocular disease.

The course of study required for therapeutic drug certification would have to consist of either 10 quarter hours of credit or 100 classroom hours in courses relating to "the didactic and clinical use" of therapeutic drugs from a board-approved school of optometry.

Licensure. Optometrists licensed after the effective date of the bill would have to be certified (for either diagnostic or therapeutic drugs) when they got their initial license.

Miscellaneous. The bill also would amend the relevant sections of the part of the Public Health Code relating to pharmacy practice and drug control (Part 177) to add optometrists to the list of health professionals included in the definition of "prescriber," and to allow pharmacists to dispense prescriptions for therapeutic drugs to certified optometrists.

Repeals. The bill would repeal sections 17432 (which prohibits optometrists from using drugs to treat diseases of the eye and requires them to "promptly" refer patients with such diseases) and 17433 (which prohibits optometrists from receiving third party reimbursement for their use of diagnostic drugs) of the Public Health Code.

MCL 333.17401 et al.