

HOUSE BILL No. 5200

October 18, 1989, Introduced by Reps. Hertel, Harrison, Bartnik, Stabenow, Middaugh, Stacey, Oxender, Kosteva, DeBeaussaert, Pitoniak, DeMars, Bankes, Spaniola, Miller, Bennett, Randall and Law and referred to the Committee on Public Health.

A bill to amend sections 17401, 17412, 17708, and 17749 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 17401 as amended and sections 17412 and 17749 as added by Act No. 42 of the Public Acts of 1984, being sections 333.17401, 333.17412, 333.17708, and 333.17749 of the Michigan Compiled Laws; to add sections 17435, 17437, and 17750; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 17401, 17412, 17708, and 17749 of Act
2 No. 368 of the Public Acts of 1978, section 17401 as amended and
3 sections 17412 and 17749 as added by Act No. 42 of the Public
4 Acts of 1984, being sections 333.17401, 333.17412, 333.17708, and
5 333.17749 of the Michigan Compiled Laws, are amended and sections
6 17435, 17437, and 17750 are added to read as follows:

1 Sec. 17401. (1) As used in this part:

2 (a) "Optometrist" means an individual licensed under this
3 article to engage in the practice of optometry.

4 (b) "Practice of optometry" means 1 or more of the
5 following:

6 (i) The examination of the human eye ~~to ascertain the pres-~~
7 ~~ence of defects or abnormal conditions which may be corrected,~~
8 ~~remedied, or relieved, or the effects of which may be corrected,~~
9 ~~remedied, or relieved by the use of lenses, prisms, or other~~
10 ~~mechanical devices~~ AND RELATED STRUCTURES FOR THE PURPOSE OF
11 DIAGNOSIS, TREATMENT, OR REFERRAL FOR CONSULTATION AND TREATMENT
12 OF VISUAL DEFECTS, ABNORMAL CONDITIONS, OR DISEASES.

13 (ii) The employment of ~~objective or subjective physical~~
14 ~~means to determine the accommodative or refractive conditions or~~
15 ~~the range of powers of vision or muscular equilibrium of the~~
16 ~~human eye~~ INSTRUMENTS, DEVICES, DIAGNOSTIC PHARMACEUTICAL AGENTS
17 AND THERAPEUTIC PHARMACEUTICAL AGENTS, AND NONINVASIVE PROCEDURES
18 FOR THE PURPOSE OF INVESTIGATION, EXAMINATION, DIAGNOSIS, TREAT-
19 MENT, OR CORRECTION OF VISUAL DEFECTS, ABNORMAL CONDITIONS, OR
20 DISEASES OF THE HUMAN EYE AND RELATED STRUCTURES.

21 (iii) ~~The adaptation or the adjustment of the lenses or~~
22 ~~prisms to correct, remedy, or relieve a defect or abnormal condi-~~
23 ~~tion or to correct, remedy, or relieve the effect of a defect or~~
24 ~~abnormal condition of the human eye.~~ THE PRESCRIPTION AND APPLI-
25 CATION OF LENSES, PRISMS, DEVICES CONTAINING LENSES OR PRISMS,
26 ORTHOPTICS, VISUAL THERAPY, DIAGNOSTIC PHARMACEUTICAL AGENTS AND
27 THERAPEUTIC PHARMACEUTICAL AGENTS, PROSTHETIC DEVICES, AND OTHER

1 NONINVASIVE PROCEDURES FOR THE PURPOSE OF CORRECTION,
2 ALLEVIATION, OR TREATMENT OF VISUAL DEFECTS, ABNORMAL CONDITIONS,
3 OR DISEASES OF THE HUMAN EYE AND RELATED STRUCTURES.

4 (iv) The examination of the human eye for contact lenses and
5 the fitting or insertion of contact lenses to the eye.

6 ~~(v) The employment of objective or subjective means,~~
7 ~~including topical ocular diagnostic pharmaceutical agents by an~~
8 ~~optometrist who meets the requirements of section 17412, for the~~
9 ~~examination of the human eye for the purpose of ascertaining a~~
10 ~~departure from the normal, measuring of powers of vision, and~~
11 ~~adapting lenses for the aid thereof.~~

12 (c) "~~Topical ocular diagnostic~~ DIAGNOSTIC pharmaceutical
13 agent" means ANY NONINJECTED PHARMACEUTICAL USED FOR THE PURPOSE
14 OF ASCERTAINING OR AIDING IN A DIAGNOSIS.

15 ~~(i) The following commercially prepared topical~~
16 ~~anesthetic: Proparacaine HCL 0.5%.~~

17 ~~(ii) The following commercially prepared~~
18 ~~cycloplegic/mydriatic: Tropicamide in strength not greater than~~
19 ~~1%.~~

20 (D) "THERAPEUTIC PHARMACEUTICAL AGENT" MEANS 1 OR MORE OF
21 THE FOLLOWING:

22 (i) TOPICALLY ADMINISTERED AGENTS USED FOR THE PURPOSE OF
23 TREATING OR ALLEVIATING THE EFFECTS OF DISEASES OR ABNORMAL CON-
24 DITIONS OF THE ANTERIOR SEGMENT OF THE HUMAN EYE OR RELATED
25 STRUCTURES.

26 (ii) ORALLY ADMINISTERED AGENTS USED FOR THE PURPOSE OF
27 TREATING OR ALLEVIATING THE EFFECTS OF DISEASES OR ABNORMAL

1 CONDITIONS OF THE ANTERIOR SEGMENT OF THE HUMAN EYE OR RELATED
2 STRUCTURES.

3 (iii) ORALLY ADMINISTERED ANALGESIC AGENTS INCLUDED IN
4 SCHEDULES 3 AND 4 UNDER SECTIONS 7215 TO 7218 FOR THE PURPOSE OF
5 ALLEVIATING PAIN CAUSED BY DISEASES OR ABNORMAL CONDITIONS OF THE
6 ANTERIOR SEGMENT OF THE HUMAN EYE OR RELATED STRUCTURES.

7 (E) "NONINVASIVE PROCEDURES" MEANS PROCEDURES USED TO DIAG-
8 NOSE OR TREAT A DISEASE OR ABNORMAL CONDITION OF THE ANTERIOR
9 SEGMENT OF THE HUMAN EYE OR RELATED STRUCTURES WHICH DO NOT
10 REQUIRE AN INCISION OR THERAPEUTIC APPLICATION OF LASERS FOR THE
11 TREATMENT OF DISEASE.

12 (2) In addition to the definitions in this part, article 1
13 contains general definitions and principles of construction
14 applicable to all articles in this code and part 161 contains
15 definitions applicable to this part.

16 Sec. 17412. (1) ~~Subject to subsection (2), a~~ A licensee
17 may administer a ~~topical ocular~~ diagnostic pharmaceutical agent
18 ~~to the anterior segment of the human eye during an eye~~
19 ~~examination~~ in the course of his or her practice ~~solely~~ for
20 the ~~purposes~~ PURPOSE of determining the refractive, muscular,
21 or functional origin of sources of visual discomfort or diffi-
22 culty and ~~detecting abnormalities which may be evidence~~
23 DIAGNOSIS of disease AND ABNORMAL CONDITIONS if the licensee is
24 certified by the Michigan board of optometry as being qualified
25 to administer ~~topical ocular~~ diagnostic pharmaceutical agents
26 pursuant to this section.

1 ~~(2) The topical anesthetic described in section~~
2 ~~+740+(1)(c)(i) shall be utilized only in diagnostic procedures~~
3 ~~which aid in detecting glaucoma.~~

4 (2) ~~(3)~~ The Michigan board of optometry shall certify a
5 licensee as qualified to administer ~~topical ocular~~ diagnostic
6 pharmaceutical agents if the licensee meets all of the following
7 requirements:

8 (a) Has successfully completed 60 classroom hours of study
9 in general and clinical pharmacology as it relates to the prac-
10 tice of optometry, with particular emphasis on the use of
11 ~~topical ocular~~ diagnostic pharmaceutical agents for examination
12 purposes. Not less than 30 of the 60 classroom hours shall be in
13 ocular pharmacology and shall emphasize the systemic effects of
14 and reactions to ~~topical ocular~~ diagnostic pharmaceutical
15 agents, including the emergency management and referral of any
16 adverse reactions that may occur. The course of study shall be
17 approved by the Michigan board of optometry, and shall be offered
18 by a school or college of optometry ~~which~~ THAT is recognized by
19 the Michigan board of optometry as fully accredited. The course
20 of study shall be completed before taking the examination
21 required by this section.

22 (b) Has successfully completed an examination approved by
23 the Michigan board of optometry on the subject of general and
24 ocular pharmacology as it relates to the practice of optometry
25 with particular emphasis on the use of ~~topical ocular~~ diagnos-
26 tic pharmaceutical agents, including emergency management and
27 referral of any adverse reactions that may occur.

1 (c) Has successfully completed a course in cardiopulmonary
2 resuscitation APPROVED BY THE DEPARTMENT AND offered or approved
3 by the red cross, American heart association, an accredited hos-
4 pital, or a comparable organization or institution.

5 (d) Has established an emergency plan for the management and
6 referral to appropriate medical services of patients who ~~may~~
7 experience adverse drug reactions resulting from the application
8 of ~~topical ocular~~ diagnostic pharmaceutical agents. The plan
9 shall be approved by the Michigan board of optometry and shall,
10 at a minimum, require the optometrist to do all of the
11 following:

12 (i) Refer patients who notify the optometrist of an adverse
13 drug reaction to appropriate medical specialists or facilities.

14 (ii) Routinely advise each patient to immediately contact
15 the optometrist if the patient experiences an adverse drug
16 reaction.

17 (iii) Place in the patient's permanent record information
18 describing any adverse drug reaction experienced by the patient,
19 and the date and time that any referral was made.

20 (iv) Include in the plan the names of not less than 3 physi-
21 cians, physician clinics, or hospitals to whom the optometrist
22 will refer patients who experience an adverse drug reaction. At
23 least 1 of the physicians, physician clinics, or hospitals shall
24 be skilled or shall specialize in the diagnosis and treatment of
25 diseases of the eye. As used in this subparagraph, "physician"
26 means a physician as defined in section 17001 or 17501.

1 (e) Has paid the certification fee to administer topical
2 ocular diagnostic pharmaceutical agents prescribed in section 61
3 of the state license fee act, Act No. 152 of the Public Acts of
4 1979, being section 338.2261 of the Michigan Compiled Laws.

5 (3) ~~(4)~~ The course of study and examination required by
6 subsection ~~(3)~~ (2)(a) and (b) shall be completed prior to
7 certification, except that the Michigan board of optometry may
8 certify applicants who have graduated from a school of optometry
9 recognized by the Michigan board of optometry as accredited
10 ~~within the 5 years immediately preceding the effective date of~~
11 ~~this section~~ ON OR AFTER APRIL 12, 1979, if the school's curric-
12 ulum includes a course of study and examination meeting the
13 requirements of subsection ~~(3)(a)~~ (2)(A) and (b).

14 ~~(5) Approvals of the course of study, examination, and~~
15 ~~emergency plan required by subsection (3)(a), (b), and (d) shall~~
16 ~~be given by the Michigan board of optometry only after consulta-~~
17 ~~tion with the Michigan board of medicine, the Michigan board of~~
18 ~~osteopathic medicine and surgery, and the Michigan board of~~
19 ~~pharmacy. The recommendations of the Michigan board of medicine,~~
20 ~~the Michigan board of osteopathic medicine and surgery, and the~~
21 ~~Michigan board of pharmacy shall be made within 120 days after~~
22 ~~they are requested by the Michigan board of optometry.~~

23 ~~(6) An optometrist shall not purchase, possess, administer,~~
24 ~~prescribe, or give any prescription drug as defined in section~~
25 ~~17708 or a topical ocular diagnostic pharmaceutical agent except~~
26 ~~as expressly authorized by this section.~~

1 SEC. 17435. (1) A LICENSEE MAY ADMINISTER AND PRESCRIBE
2 THERAPEUTIC PHARMACEUTICAL AGENTS IN THE COURSE OF HIS OR HER
3 PRACTICE IF THE LICENSEE IS CERTIFIED BY THE MICHIGAN BOARD OF
4 OPTOMETRY AS BEING QUALIFIED TO ADMINISTER AND PRESCRIBE THERA-
5 PEUTIC PHARMACEUTICAL AGENTS PURSUANT TO THIS SECTION.

6 (2) THE MICHIGAN BOARD OF OPTOMETRY SHALL CERTIFY A LICENSEE
7 AS QUALIFIED TO ADMINISTER AND PRESCRIBE THERAPEUTIC PHARMACEUTI-
8 CAL AGENTS IF THE LICENSEE MEETS ALL OF THE FOLLOWING
9 REQUIREMENTS:

10 (A) HAS BEEN CERTIFIED BY THE MICHIGAN BOARD OF OPTOMETRY TO
11 ADMINISTER DIAGNOSTIC PHARMACEUTICAL AGENTS.

12 (B) HAS SUCCESSFULLY EARNED AT LEAST 10 QUARTER HOURS OF
13 CREDIT OR SUCCESSFULLY COMPLETED 100 CLASSROOM HOURS OF STUDY IN
14 COURSES RELATING TO THE DIDACTIC AND CLINICAL USE OF THERAPEUTIC
15 PHARMACEUTICAL AGENTS FROM A SCHOOL OR COLLEGE OF OPTOMETRY THAT
16 IS RECOGNIZED BY THE MICHIGAN BOARD OF OPTOMETRY AS FULLY ACCRED-
17 ITED OR HAS SUCCESSFULLY COMPLETED AN EXAMINATION APPROVED BY THE
18 MICHIGAN BOARD OF OPTOMETRY ON THE SUBJECT OF TREATMENT AND MAN-
19 AGEMENT OF OCULAR DISEASE.

20 (C) HAS PAID ALL NECESSARY FEES PRESCRIBED IN SECTION 2261
21 OF THE STATE LICENSE FEE ACT, ACT NO. 152 OF THE PUBLIC ACTS OF
22 1979, BEING SECTION 338.2261 OF THE MICHIGAN COMPILED LAWS.

23 SEC. 17437. AN OPTOMETRIST LICENSED AFTER THE EFFECTIVE
24 DATE OF THIS SECTION SHALL OBTAIN CERTIFICATION TO ADMINISTER
25 DIAGNOSTIC PHARMACEUTICAL AGENTS OR TO ADMINISTER AND PRESCRIBE
26 THERAPEUTIC PHARMACEUTICAL AGENTS AT THE TIME OF INITIAL
27 LICENSURE.

1 Sec. 17708. (1) "Preceptor" means a pharmacist approved by
2 the board to direct the training of an intern in an approved
3 pharmacy.

4 (2) "Prescriber" means a licensed dentist, doctor of medi-
5 cine, doctor of osteopathic medicine and surgery, doctor of podi-
6 atric medicine and surgery, OPTOMETRIST, veterinarian, or other
7 licensed health professional acting under the delegation and
8 using, recording, or otherwise indicating the name of the dele-
9 gating licensed doctor of medicine or doctor of osteopathic medi-
10 cine and surgery.

11 (3) "Prescription" means an order for drugs or devices writ-
12 ten and signed or transmitted by other means of communication by
13 a prescriber to be filled, compounded, or dispensed. Prescribing
14 shall be limited to a prescriber. An order transmitted in other
15 than written form shall be recorded or written and immediately
16 dated by the pharmacist, and that record constitutes the original
17 prescription. In a medical institution an order for drugs or
18 devices in the patient's chart constitutes for the purposes of
19 this definition the original prescription.

20 (4) "Prescription drug" means any of the following:

21 (a) A drug dispensed pursuant to a prescription.

22 (b) A drug bearing the federal legend "CAUTION: federal law
23 prohibits dispensing without prescription".

24 (c) A drug designated by the board as one which may only be
25 dispensed pursuant to a prescription.

26 Sec. 17749. (1) Notwithstanding any provision of this act
27 or any rule promulgated under this act, a wholesale distributor

1 or pharmacist may dispense a ~~topical-ocular~~ diagnostic
2 pharmaceutical agent to a licensed optometrist for subsequent
3 administration to optometric patients, if the optometrist pro-
4 vides the wholesale distributor or pharmacist with the number of
5 the optometrist's certification of qualification to administer
6 ~~topical-ocular~~ diagnostic pharmaceutical agents.

7 (2) As used in this section, ~~"topical-ocular"~~ "diagnostic
8 pharmaceutical agent" means that term as defined in section
9 17401.

10 SEC. 17750. (1) A PHARMACIST MAY DISPENSE A PRESCRIPTION
11 FOR A THERAPEUTIC PHARMACEUTICAL AGENT ISSUED BY AN OPTOMETRIST
12 CERTIFIED BY THE MICHIGAN BOARD OF OPTOMETRY AS QUALIFIED TO PRE-
13 SCRIBE AND ADMINISTER THERAPEUTIC PHARMACEUTICAL AGENTS.

14 (2) AS USED IN THIS SECTION, "THERAPEUTIC PHARMACEUTICAL
15 AGENT" MEANS THAT TERM AS DEFINED IN SECTION 17401.

16 Section 2. Sections 17432 and 17433 of Act No. 368 of the
17 Public Acts of 1978, being sections 333.17430 and 333.17433 of
18 the Michigan Compiled Laws, are repealed.