



A SUMMARY OF HOUSE BILL 4407 AS INTRODUCED 2-28-91

The bill would amend the Public Health Code to (1) redefine optometrists as physicians (instead of the current "individual") licensed to engage in the practice of optometry and to (2) expand the scope of practice of optometry to include:

- * the diagnosis of disease (in addition to the current ability to determine defects or abnormal conditions that can be corrected by lenses), and

- * the prescription of certain kinds of therapeutic drugs and of orthoptics and visual therapy (in addition to the current ability to prescribe certain diagnostic drugs and corrective lenses).

Definitions. Currently, the health code defines "optometrist" to mean "an individual licensed under this article [that is, the occupations section of the Public Health Code] to engage in the practice of optometry. The new definition would substitute "physician" for "individual," and the bill would add "optometric physician" to the list of titles protected by the code.

The health code currently defines "topical ocular diagnostic pharmaceutical agent" to mean one of two commercially prepared drugs: the topical anesthetic known as Proparacaine HCL 0.5 percent (which can be used "only in diagnostic procedures which aid in detecting glaucoma") and a drug named Tropicamide in a strength not greater than one percent. The bill would delete the definition and instead define "diagnostic pharmaceutical agent" to mean "any pharmaceutical used for the purpose of ascertaining or aiding in a diagnosis and not administered by injection."

The bill would add two new definitions, of "therapeutic pharmaceutical agent" and of "noninvasive procedures." "Therapeutic pharmaceutical agents" would include drugs given to treat or alleviate the effects (including pain) of diseases or abnormal conditions of the front of the eye and related structures. Drugs given to treat (or alleviate the effects of) diseases or abnormal conditions could be applied topically or given orally; drugs given for pain could be given orally and would be restricted to those drugs included on Schedules 3 and 4 of the health code.

"Noninvasive procedures" would mean procedures used to diagnose or treat a disease or abnormal condition of the front of the eye (or related structures) that did not require "an incision with closure."

Practice of optometry. Currently, the code limits the practice of optometry basically to the examination of the human eye (including the use of "physical means" and of two

specific diagnostic drugs) for "defects or abnormal conditions" and to the prescription of "lenses, prisms, or mechanical devices" (including contact lenses) to correct any such defects or abnormalities.

Optometrists are specifically prohibited from buying, having, administering, prescribing, or giving any prescription drug or any "topical ocular diagnostic pharmaceutical agent" except for Proparacaine HCL 0.5 percent and Topiramide (which fall under the definition of "topical ocular diagnostic pharmaceutical agent"). Optometrists also are prohibited from accepting reimbursement from third party payers for the use of these drugs.

Finally, optometrists are required to refer patients to a physician for diagnosis and possible treatment (and prohibited from attempting to treat) if the optometrist believes (from interviewing or examining the patient) that the patient has signs or symptoms of disease.

The bill would delete the sections of the code regarding the present required physician referral, and the prohibitions against third party payment for allowed drugs, against diagnosis and treatment of disease, and against buying, etc., prescription drugs.

Instead, the bill would redefine the practice of optometry to include:

- * examining of the human eye and related structures for the purpose of "diagnosis, treatment, or referral for consultation and treatment of visual defects, abnormal conditions, or diseases";

- * using "instruments, devices, diagnostic pharmaceutical agents and therapeutic pharmaceutical agents, and noninvasive procedures" for the purpose of "investigation, examination, diagnosis, treatment, or correction of visual defects, abnormal conditions, or diseases of the human eye and related structures";

- * prescribing and applying lenses (and prisms), orthoptics, visual therapy, diagnostic and therapeutic pharmaceutical agents, prosthetic devices, and other noninvasive procedures to correct, alleviate, or treat visual defects, abnormal conditions, or diseases of the eye and related structures.

(The bill also would allow pharmacists to dispense optometrists' prescriptions for therapeutic drugs.)

Certification for administering drugs. The bill would require optometrists licensed after the effective date of the bill to obtain certification to administer diagnostic drugs and to administer and prescribe therapeutic drugs at the time of initial licensure. Optometrists who already were licensed could become certified to administer and prescribe therapeutic drugs by meeting certain requirements. The optometrist would have to have been certified by the Michigan Board of Optometry to administer the drugs; have successfully done certain academic work in courses on these drugs at an accredited school or college of optometry or successfully passed a board-approved examination on treating and managing ocular disease; and paid the required certification fee.

Repeals. The bill would repeal Sections 17432 and 17433 of the Public Health Code. Section 17432 requires referrals to physicians for treatment of suspected eye diseases and section 17433 prohibits third party reimbursement to optometrists for drugs.

MCL 333.16263 et al.