



SENATE BILL No. 1183

September 25, 1996, Introduced by Senators EMMONS, HOFFMAN, CARL, MILLER, DINGELL, DE BEAUSSAERT, GAST, STILLE, GEAKE and CHERRY and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend section 17401 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 384 of the Public Acts of 1994, being section 333.17401 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17401 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 384 of the Public Acts of 1994,
3 being section 333.17401 of the Michigan Compiled Laws, is amended
4 to read as follows:

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

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

1 (b) "Practice of optometry" means 1 or more of the
2 following, but does not include the performance of invasive
3 procedures:

4 (i) The examination of the human eye to ascertain the pres-
5 ence of defects or abnormal conditions which may be corrected,
6 remedied, or relieved, or the effects of which may be corrected,
7 remedied, or relieved by the use of lenses, prisms, or other
8 mechanical devices.

9 (ii) The employment of objective or subjective physical
10 means to determine the accommodative or refractive conditions or
11 the range of powers of vision or muscular equilibrium of the
12 human eye.

13 (iii) The adaptation or the adjustment of the lenses or
14 prisms or the use of therapeutic pharmaceutical agents to cor-
15 rect, remedy, or relieve a defect or abnormal condition or to
16 correct, remedy, or relieve the effect of a defect or abnormal
17 condition of the human eye.

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

20 (v) The employment of objective or subjective means, includ-
21 ing diagnostic pharmaceutical agents by an optometrist who meets
22 the requirements of section 17412, for the examination of the
23 human eye for the purpose of ascertaining a departure from the
24 normal, measuring of powers of vision, and adapting lenses for
25 the aid thereof.

26 (c) "Diagnostic pharmaceutical agent" means:

1 (i) The following commercially prepared topical anesthetic:
2 Proparacaine HCL 0.5%.

3 (ii) The following commercially prepared
4 cycloplegic/mydriatic: Tropicamide in strength not greater than
5 1%.

6 (d) "Therapeutic pharmaceutical agent" means ~~a~~ 1 OR MORE
7 OF THE FOLLOWING:

8 (i) A topically administered prescription drug or other top-
9 ically administered drug used for the purpose of correcting, rem-
10 edying, or relieving a defect or abnormal condition of the ante-
11 rior segment of the human eye or for the purpose of correcting,
12 remedying, or relieving the effects of a defect or abnormal con-
13 dition of the anterior segment of the human eye.

14 (ii) A TOPICALLY ADMINISTERED ANTIGLAUCOMA DRUG.

15 (e) "Drug" means that term as defined in section 17703, but
16 does not include a controlled substance as defined in section
17 7104 or a prescription drug.

18 (f) "Prescription drug" means that term as defined in
19 section 17708, but does not include a controlled substance as
20 defined in section 7104.

21 (g) "Physician" means that term as defined in section 17001
22 or 17501.

23 (h) "Invasive procedures" means all of the following:

24 (i) The use of lasers other than for observation.

25 (ii) The use of ionizing radiation.

26 (iii) The use of therapeutic ultrasound.

1 (iv) The administration of medication by injection.

2 (v) Procedures that include an incision.

3 (2) In addition to the definitions in this part, article 1
4 contains general definitions and principles of construction
5 applicable to all articles in this code and part 161 contains
6 definitions applicable to this part.