

Act No. 151
Public Acts of 1997
Approved by the Governor
December 1, 1997
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

**Introduced by Senators Emmons, McManus, Geake, Gast, Miller, Dingell, Cherry, Peters, DeBeaussiaert,
Stille, Hoffman and Carl**

ENROLLED SENATE BILL No. 139

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 17401 and 17432 (MCL 333.17401 and 333.17432), as amended by 1994 PA 384.

The People of the State of Michigan enact:

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

- (a) "Optometrist" means an individual licensed under this article to engage in the practice of optometry.
- (b) "Practice of optometry" means 1 or more of the following, but does not include the performance of invasive procedures:
 - (i) The examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected, remedied, or relieved, or the effects of which may be corrected, remedied, or relieved by the use of lenses, prisms, or other mechanical devices.
 - (ii) The employment of objective or subjective physical means to determine the accommodative or refractive conditions or the range of powers of vision or muscular equilibrium of the human eye.

(iii) The adaptation or the adjustment of the lenses or prisms or the use of therapeutic pharmaceutical agents to correct, remedy, or relieve a defect or abnormal condition or to correct, remedy, or relieve the effect of a defect or abnormal condition of the human eye.

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

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

(c) "Diagnostic pharmaceutical agent" means:

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

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

(d) "Therapeutic pharmaceutical agent" means 1 or more of the following:

(i) A topically administered prescription drug or other topically administered drug used for the purpose of correcting, remedying, or relieving a defect or abnormal condition of the anterior segment of the human eye or for the purpose of correcting, remedying, or relieving the effects of a defect or abnormal condition of the anterior segment of the human eye.

(ii) A topically administered antiglaucoma drug.

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

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

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

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

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

(ii) The use of ionizing radiation.

(iii) The use of therapeutic ultrasound.

(iv) The administration of medication by injection.

(v) Procedures that include an incision.

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

Sec. 17432. (1) Whether or not diagnostic pharmaceutical agents or therapeutic pharmaceutical agents have been used, if an optometrist determines from interviewing or examining a patient, using judgment and that degree of skill, care, knowledge, and attention ordinarily possessed and exercised by optometrists in good standing under like circumstances, that there are present in that patient signs or symptoms that may be evidence of disease that the optometrist is not authorized to treat under this part, then the optometrist shall do both of the following:

(a) Promptly advise that patient to seek evaluation by an appropriate physician for diagnosis and possible treatment.

(b) Not attempt to treat the condition by the use of diagnostic pharmaceutical agents, therapeutic pharmaceutical agents, or any other means.

(2) Subject to subsections (3) and (4), if an optometrist treats a patient for a condition or disease that the optometrist is authorized to treat under this part, and if that condition or disease may be related to a nonlocalized or systemic condition or disease or does not demonstrate adequate clinical progress as a result of treatment, the optometrist shall consult an appropriate physician for further diagnosis and possible treatment and to determine if the condition or disease is related to a nonlocalized or systemic condition or disease.

(3) When a diagnosis of glaucoma is suspected, the optometrist shall consult an ophthalmologist for a co-management consultation in order to mutually agree on the diagnosis and initial treatment plan. If the results of treatment do not meet or exceed the treatment target goals within a time frame currently accepted as medical standard of care in the treatment and management of glaucoma, the optometrist shall further consult with an ophthalmologist regarding further diagnosis and possible treatment.

(4) If an optometrist diagnoses that a patient has acute glaucoma, the optometrist shall, as soon as possible, consult a physician for further diagnosis and possible treatment.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Maya R. Bullock

Clerk of the House of Representatives.

Approved _____

Governor.