

**SENATE BILL NO. 652**

June 16, 1999, Introduced by  
A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17401 (MCL 333.17401), as amended by 1997 PA  
151.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 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 follow-  
5           ing, but does not include the performance of invasive  
6           procedures:
- 7           (i) The examination of the human eye to ~~ascertain the~~  
8           ~~pres-~~ence of DIAGNOSE defects or abnormal conditions ~~which~~ THAT  
9           may be corrected, remedied, or relieved, or the effects of which  
          may

1 be corrected, remedied, or relieved by the use of lenses,  
prisms,  
2 or other mechanical devices.

3 (ii) The employment of objective or subjective physical  
4 means to determine the accommodative or refractive conditions  
or  
5 the range of powers of vision or muscular equilibrium of the  
6 human eye.

7 (iii) The adaptation or the adjustment of the lenses or  
8 prisms or the use of therapeutic pharmaceutical agents to cor-  
9 rect, remedy, or relieve a defect or abnormal condition or to  
10 correct, remedy, or relieve the effect of a defect or abnormal  
11 condition of the human eye.

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

14 (v) The employment of objective or subjective means,  
includ-  
15 ing diagnostic pharmaceutical agents by an optometrist who  
meets  
16 the requirements of section 17412, for the examination of the  
17 human eye for the purpose of ~~ascertaining~~ DIAGNOSING a depar-  
18 ture from the normal, measuring of powers of vision, and  
adapting  
19 lenses for the aid thereof.

20 ~~(c) "Diagnostic pharmaceutical agent" means:~~

21 ~~(i) The following commercially prepared topical  
anesthetic:~~

22 ~~Proparacaine HCL 0.5%.~~

23 ~~(ii) The following commercially prepared~~

24 ~~cycloplegic/mydriatic: Tropicamide in strength not greater  
than~~

25 ~~1%.~~

26 (vi) THE EMPLOYMENT OF ORTHOPTIC VISION THERAPY AND  
27 BINOCULAR VISION THERAPY TO CORRECT, REMEDY, OR RELIEVE A

DEFECT

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1 OR ABNORMAL CONDITION OF THE HUMAN EYE OR TO CORRECT, REMEDY,  
OR  
2 RELIEVE THE EFFECTS OF A DEFECT OR ABNORMAL CONDITION OF THE  
3 HUMAN EYE.

4 (vii) THE EMPLOYMENT OF LOW VISION TECHNIQUES, LOW VISION  
5 THERAPY COUNSELING, AND LOW VISION REHABILITATION THERAPY TO  
COR-  
6 RECT, REMEDY, OR RELIEVE A DEFECT OR ABNORMAL CONDITION OF THE  
7 HUMAN EYE OR TO CORRECT, REMEDY, OR RELIEVE THE EFFECTS OF A  
8 DEFECT OR ABNORMAL CONDITION OF THE HUMAN EYE.

9 (C) "DIAGNOSTIC PHARMACEUTICAL AGENT" MEANS A TOPICALLY  
10 ADMINISTERED PRESCRIPTION DRUG OR OTHER TOPICALLY ADMINISTERED  
11 DRUG USED FOR THE PURPOSE OF DIAGNOSING THE PRESENCE OR ABSENCE  
12 OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE OR THE  
EFFECTS  
13 OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE.

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

16 (i) A topically administered prescription drug or other  
top-  
17 ically administered drug used for the purpose of correcting,  
rem-  
18 edying, or relieving a defect or abnormal condition of the  
ante-  
19 rior segment of the human eye or for the purpose of correcting,  
20 remedying, or relieving the effects of a defect or abnormal  
con-  
21 dition of the anterior segment of the human eye.

22 (ii) A topically administered antiglaucoma drug.

23 (e) "Drug" means that term as defined in section 17703,  
but  
24 does not include a controlled substance as defined in section  
25 7104 or a prescription drug.

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

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

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

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

8 (ii) The use of ionizing radiation.

9 (iii) The use of therapeutic ultrasound.

10 (iv) The administration of medication by injection.

11 (v) Procedures that include an incision.

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.