

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5552

(As passed the House, May 9, 2002)

(As passed by the Senate, December 4, 2002)

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 17401, 17431, and 17432 (MCL 333.17401, 333.17431,  
and 333.17432), sections 17401 and 17432 as amended by 1997 PA 151 and  
section 17431 as amended by 1994 PA 234.

**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 pres-  
8 ence of defects or abnormal conditions ~~which~~ THAT may be  
9 corrected, remedied, or relieved, or the effects of which may be

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1 corrected, remedied, or relieved by the use of lenses, prisms, or  
2 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 a departure from the  
18 normal, measuring of powers of vision, and adapting lenses for  
19 the aid ~~thereof~~ OF THOSE POWERS.

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 (C) "DIAGNOSTIC PHARMACEUTICAL AGENT" MEANS A TOPICALLY  
27 ADMINISTERED PRESCRIPTION DRUG OR OTHER TOPICALLY ADMINISTERED

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1 DRUG USED FOR THE PURPOSE OF INVESTIGATING, ANALYZING, AND  
2 DIAGNOSING A DEFECT OR ABNORMAL CONDITION OF THE HUMAN EYE OR  
3 OCULAR ADNEXA.

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

6 (i) A topically administered prescription drug or other top-  
7 ically administered drug used for the purpose of INVESTIGATING,  
8 ANALYZING, DIAGNOSING, correcting, remedying, or relieving a  
9 defect or abnormal condition of the anterior segment of the human  
10 eye or for the purpose of correcting, remedying, or relieving the  
11 effects of a defect or abnormal condition of the anterior segment  
12 of the human eye.

13 (ii) A topically OR ORALLY administered antiglaucoma drug.

14 (iii) AN ORALLY ADMINISTERED PRESCRIPTION DRUG OR OTHER  
15 ORALLY ADMINISTERED DRUG USED FOR THE PURPOSE OF INVESTIGATING,  
16 ANALYZING, DIAGNOSING, CORRECTING, REMEDYING, OR RELIEVING A  
17 DEFECT OR ABNORMAL CONDITION OF THE ANTERIOR SEGMENT OF THE HUMAN  
18 EYE AND ADNEXA OR FOR THE PURPOSE OF INVESTIGATING, ANALYZING,  
19 DIAGNOSING, CORRECTING, REMEDYING, OR RELIEVING THE EFFECTS OF A  
20 DEFECT OR ABNORMAL CONDITION OF THE ANTERIOR SEGMENT OF THE HUMAN  
21 EYE AND ADNEXA THAT IS ADMINISTERED BY AN OPTOMETRIST WHO HAS COMPLETED  
50% OF THE CONTINUING EDUCATION HOURS REQUIRED FOR RENEWAL OF A LICENSE  
IN THE CATEGORY OF PHARMACOLOGICAL MANAGEMENT OF OCULAR CONDITIONS.

22 (e) "Drug" means that term as defined in section 17703, but  
23 does not include a controlled substance as defined in  
24 section 7104 AND INCLUDED IN SCHEDULE 2 UNDER SECTION 7214, AN  
25 ORAL CORTICAL STEROID, or a prescription drug. HOWEVER, DRUG  
26 DOES INCLUDE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULES 3, 4,

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1 AND 5 UNDER SECTIONS 7216, 7218, AND 7220, RESPECTIVELY, AND  
2 DIHYDROCODEINONE COMBINATION DRUGS.

3 (f) "Prescription drug" means that term as defined in  
4 section 17708, but does not include a controlled substance as  
5 defined in section 7104 AND INCLUDED IN SCHEDULE 2 UNDER  
6 SECTION 7214 OR AN ORAL CORTICAL STEROID. HOWEVER, PRESCRIPTION  
7 DRUG DOES INCLUDE A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULES 3,  
8 4, AND 5 UNDER SECTIONS 7216, 7218, AND 7220, RESPECTIVELY, AND  
9 DIHYDROCODEINONE COMBINATION DRUGS.

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

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

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

14 (ii) The use of ionizing radiation.

15 (iii) The use of therapeutic ultrasound.

16 (iv) The administration of medication by injection.

17 (v) Procedures that include an incision.

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

Sec. 17431. (1) Notwithstanding the requirements of part 161, the board may require a licensee seeking renewal of a license to furnish the board with satisfactory evidence that during the 2 years immediately preceding the application for renewal the licensee has attended an education program approved by the board and totaling not less than ~~24~~ 40 hours in subjects related to the practice of optometry and designed to further educate licensees.

(2) As required under section 16204, the board shall promulgate rules requiring each applicant for license renewal to complete as part of the education program required under subsection (1) an appropriate number of hours or courses in pain and symptom management.

22 Sec. 17432. (1) Whether or not diagnostic pharmaceutical  
23 agents or therapeutic pharmaceutical agents have been used, if an  
24 optometrist determines from interviewing or examining a patient,  
25 using judgment and that degree of skill, care, knowledge, and  
26 attention ordinarily possessed and exercised by optometrists in  
27 good standing under like circumstances, that there are present in

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1 that patient signs or symptoms that may be evidence of disease  
2 that the optometrist is not authorized to treat under this part,  
3 then the optometrist shall do both of the following:

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

6 (b) Not attempt to treat the condition by the use of diag-  
7 nostic pharmaceutical agents, therapeutic pharmaceutical agents,  
8 or any other means.

9 (2) Subject to subsections (3) and (4), if an optometrist  
10 treats a patient for a condition or disease that the optometrist  
11 is authorized to treat under this part, and if that condition or  
12 disease may be related to a nonlocalized or systemic condition or  
13 disease or does not demonstrate adequate clinical progress as a  
14 result of THE treatment, the optometrist shall consult an appro-  
15 priate physician for further diagnosis and possible treatment and  
16 to determine if the condition or disease is related to a nonlo-  
17 calized or systemic condition or disease.

18 (3) When a diagnosis of glaucoma is ~~suspected, the optome-~~  
19 ~~trist shall consult an ophthalmologist for a co-management con-~~  
20 ~~sultation in order to mutually agree on the diagnosis and initial~~  
21 ~~treatment plan. If the results of treatment do not meet or~~  
22 ~~exceed the treatment target goals within a time frame currently~~  
23 ~~accepted as medical standard of care in the treatment and manage-~~  
24 ~~ment of glaucoma, the optometrist shall further consult with an~~  
25 ~~ophthalmologist regarding further diagnosis and possible~~  
26 ~~treatment.~~ MADE AND TREATMENT HAS BEGUN, THE TREATING  
27 OPTOMETRIST SHALL CONSULT AN APPROPRIATE PHYSICIAN FOR FURTHER

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1 DIAGNOSIS AND POSSIBLE TREATMENT IF THE CONDITION DOES NOT  
2 DEMONSTRATE ADEQUATE CLINICAL PROGRESS AS A RESULT OF THE  
3 TREATMENT.

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