

HOUSE BILL No. 5552

December 21, 2001, Introduced by Reps. Tabor, Rivet, Bradstreet, Vear, Woronchak, Scranton, Stewart, Rocca, Vander Roest, Hardman, Mortimer, O'Neil, Voorhees, Schauer, Kowall, Kuipers, Drolet, Jansen and Lemmons and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17401 and 17432 (MCL 333.17401 and
333.17432), 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 pres-
8 ence of defects or abnormal conditions ~~which~~ THAT may be
9 corrected, remedied, or relieved, or the effects of which may be

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

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.

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 or a
25 prescription drug. HOWEVER, DRUG DOES INCLUDE A CONTROLLED SUB-
26 STANCE INCLUDED IN SCHEDULES 3, 4, AND 5 UNDER SECTIONS 7216,

1 7218, AND 7220, RESPECTIVELY, AND DIHYDROCODEINONE COMBINATION
2 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. HOWEVER, PRESCRIPTION DRUG DOES INCLUDE A CON-
7 TROLLED SUBSTANCE INCLUDED IN SCHEDULES 3, 4, AND 5 UNDER
8 SECTIONS 7216, 7218, AND 7220, RESPECTIVELY, AND DIHYDROCODEINONE
9 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.

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

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

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.

7 Enacting section 1. This amendatory act does not take
8 effect unless all of the following bills of the 91st Legislature
9 are enacted into law:

10 (a) Senate Bill No. _____ or House Bill No. 5548 (request
11 no. 04169'01 **).

12 (b) Senate Bill No. _____ or House Bill No. 5550 (request
13 no. 04170'01 **).

14 (c) Senate Bill No. _____ or House Bill No. 5551 (request
15 no. 04171'01 **).

16 (d) Senate Bill No. _____ or House Bill No. 5549 (request
17 no. 04172'01 **).