

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**PART 174**

**OPTOMETRY**

**333.17401 Definitions; principles of construction.**

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 that 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 of those powers.

(c) "Diagnostic pharmaceutical agent" means a topically administered prescription drug or other topically administered drug used for the purpose of investigating, analyzing, and diagnosing a defect or abnormal condition of the human eye or ocular adnexa.

(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 investigating, analyzing, diagnosing, 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 or orally administered antiglaucoma drug.

(iii) An orally administered prescription drug or other orally administered drug used for the purpose of investigating, analyzing, diagnosing, correcting, remedying, or relieving a defect or abnormal condition of the anterior segment of the human eye and adnexa or for the purpose of investigating, analyzing, diagnosing, correcting, remedying, or relieving the effects of a defect or abnormal condition of the anterior segment of the human 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.

(e) "Drug" means that term as defined in section 17703, but does not include a controlled substance as defined in section 7104 and included in schedule 2 under section 7214, an oral cortical steroid, or a prescription drug. However, drug does include a controlled substance included in schedules 3, 4, and 5 under sections 7216, 7218, and 7220, respectively, and dihydrocodeinone combination drugs.

(f) "Prescription drug" means that term as defined in section 17708, but does not include a controlled substance as defined in section 7104 and included in schedule 2 under section 7214 or an oral cortical steroid. However, prescription drug does include a controlled substance included in schedules 3, 4, and 5 under sections 7216, 7218, and 7220, respectively, and dihydrocodeinone combination drugs.

(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.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1984, Act 42, Eff. Apr. 12, 1984;—Am. 1994, Act 384, Eff. Mar. 30, 1995;—Am. 1997, Act 151, Imd. Eff. Dec. 2, 1997;—Am. 2002, Act 599, Imd. Eff. Dec. 16, 2002.

**Compiler's note:** For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Popular name:** Act 368

### **333.17411 Practice of optometry; authorization required; use of words, titles, or letters.**

Sec. 17411. (1) A person shall not engage in the practice of optometry except as authorized by this article.

(2) The following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed by this part: "doctor of optometry", "optometrist", and "o.d.".

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2006, Act 410, Imd. Eff. Sept. 29, 2006.

**Popular name:** Act 368

### **333.17412 Administration of diagnostic pharmaceutical agents; purposes; certification required; requirements for certification; completion of course of study and examination; exception.**

Sec. 17412. (1) Subject to subsection (2), a licensee may administer a diagnostic pharmaceutical agent in the course of his or her practice solely for the purposes of determining the refractive, muscular, or functional origin of sources of visual discomfort or difficulty and detecting abnormalities which may be evidence of disease if the licensee is certified by the board as being qualified to administer diagnostic pharmaceutical agents pursuant to this section.

(2) The board shall certify a licensee as qualified to administer diagnostic pharmaceutical agents if the licensee meets all of the following requirements:

(a) Has successfully completed 60 classroom hours of study in general and clinical pharmacology as it relates to the practice of optometry, with particular emphasis on the use of diagnostic pharmaceutical agents for examination purposes. Not less than 30 of the 60 classroom hours shall be in ocular pharmacology and shall emphasize the systemic effects of and reactions to diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur. The course of study shall be approved by the board, and shall be offered by a school or college of optometry that is recognized by the board as fully accredited. The course of study shall be completed before taking the examination required by this section.

(b) Has successfully completed an examination approved by the board on the subject of general and ocular pharmacology as it relates to the practice of optometry with particular emphasis on the use of diagnostic pharmaceutical agents, including emergency management and referral of any adverse reactions that may occur.

(c) Has successfully completed a course in cardiopulmonary resuscitation approved by the department of public health and offered or approved by the red cross, American heart association, an accredited hospital, or a comparable organization or institution.

(d) Has established an emergency plan for the management and referral to appropriate medical services of patients who experience adverse drug reactions resulting from the application of diagnostic pharmaceutical agents. The plan shall be approved by the board and shall, at a minimum, require the optometrist to do all of the following:

(i) Refer patients who notify the optometrist of an adverse drug reaction to appropriate medical specialists or facilities.

(ii) Routinely advise each patient to immediately contact the optometrist if the patient experiences an adverse drug reaction.

(iii) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient and the date and time that any referral was made.

(iv) Include in the plan the names of not less than 3 physicians, physician clinics, or hospitals to whom the optometrist will refer patients who experience an adverse drug reaction, at least 1 of which is skilled or specializes in the diagnosis and treatment of diseases of the eye. However, if a patient being treated by the optometrist has a primary care physician, the optometrist may substitute the patient's primary care physician for a physician named in the plan, but shall not substitute the patient's primary care physician for a physician named in the plan who specializes in the diagnosis and treatment of diseases of the eye.

(3) The course of study and examination required by subsection (2)(a) and (b) shall be completed before certification, except that the board may certify applicants who have graduated from a school of optometry

recognized by the board as accredited within the 5 years immediately preceding April 12, 1984, if the school's curriculum includes a course of study and examination meeting the requirements of subsection (2)(a) and (b).

**History:** Add. 1984, Act 42, Eff. Apr. 12, 1984;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 1994, Act 384, Eff. Mar. 30, 1995.

**Popular name:** Act 368

### **333.17414 Permissible conduct; untruthful, misleading, or deceptive statements in advertisement or notice prohibited.**

Sec. 17414. (1) This part does not prohibit:

(a) An optician from the adjusting, replacing, repairing, or reproducing of previously prepared eyeglasses or any part thereof.

(b) An unlicensed person from selling eyeglasses on prescription from an optometrist or physician.

(c) A person who does not hold himself or herself out as being a licensee under this part from selling eyeglasses as an article of merchandise.

(2) It shall be unlawful for any person licensed under this part, or any individual, firm or corporation engaged in the sale of merchandise of any description who maintains or operates, or who allows to be maintained or operated in connection with said merchandise business, an optometric department, or who rents or subleases to any person or persons for the purpose of engaging in the practice of optometry therein, any part of premises in which such person, persons, firm or corporation is engaged in mercantile business, to publish or circulate, or print or cause to be printed, by any means whatsoever, any advertisement or notice in which said advertisement or notice appears, any untruthful or misleading statement, or anything calculated or intended to mislead or deceive the public or any individual.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.17421 Michigan board of optometry; creation; membership; terms.**

Sec. 17421. (1) The Michigan board of optometry is created in the department and shall consist of the following 9 voting members who shall meet the requirements of part 161: 5 optometrists and 4 public members.

(2) The terms of office of individual members of the board created under subsection (1), except those appointed to fill vacancies, expire 4 years after the appointment on June 30 of the year in which the term expires.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 2006, Act 410, Imd. Eff. Sept. 29, 2006.

**Compiler's note:** For the revision of the membership requirements of the Michigan board of optometry, see E.R.O. No. 2024-2, compiled at MCL 16.735.

**Popular name:** Act 368

### **333.17431 Renewal of license; evidence required; completion of hours or courses in pain and symptom management as continuing education; rules.**

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 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.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1986, Act 290, Imd. Eff. Dec. 22, 1986;—Am. 1994, Act 234, Imd. Eff. June 30, 1994;—Am. 2002, Act 599, Imd. Eff. Dec. 16, 2002.

**Popular name:** Act 368

### **333.17432 Duties of optometrist upon determining symptoms evidencing disease; conditions requiring consultation with physician for further diagnosis and treatment; diagnosis and treatment of glaucoma.**

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 the 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 made and treatment has begun, the treating optometrist shall consult an appropriate physician for further diagnosis and possible treatment if the condition does not demonstrate adequate clinical progress as a result of the 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.

**History:** Add. 1984, Act 42, Eff. Apr. 12, 1984;—Am. 1994, Act 384, Eff. Mar. 30, 1995;—Am. 1997, Act 151, Imd. Eff. Dec. 2, 1997;—Am. 2002, Act 599, Imd. Eff. Dec. 16, 2002.

**Popular name:** Act 368

### **333.17433 Repealed. 1994, Act 384, Eff. Mar. 30, 1995.**

**Compiler's note:** The repealed section pertained to reimbursement from public or private third-party payer.

**Popular name:** Act 368

### **333.17435 Administration and prescription of therapeutic pharmaceutical agents; certification requirements.**

Sec. 17435. (1) A licensee may administer and prescribe therapeutic pharmaceutical agents in the course of his or her practice if the licensee is certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents pursuant to this section.

(2) The board shall certify a licensee as qualified to administer and prescribe therapeutic pharmaceutical agents if the licensee meets all of the following requirements:

(a) Has met the certification requirements to administer diagnostic pharmaceutical agents under section 17412.

(b) Has successfully earned at least 10 quarter hours or 7 semester hours of credit or successfully completed 100 classroom hours of study in courses relating to the didactic and clinical use of therapeutic pharmaceutical agents from a school or college of optometry that is recognized by the board as fully accredited.

(c) Has established a management plan in the event a patient has an ocular condition or disease that may be related to a nonlocalized or systemic condition or disease or to an adverse drug reaction, or that does not demonstrate adequate clinical progress as a result of treatment. The plan shall meet the requirements of section 17412(2)(d). A licensee who has an emergency plan approved by the board under section 17412(2)(d) at the time he or she applies for certification to administer and prescribe therapeutic pharmaceutical agents is in compliance with this subdivision.

**History:** Add. 1994, Act 384, Eff. Mar. 30, 1995.

**Popular name:** Act 368

### **333.17437 Time of certification.**

Sec. 17437. Except for a licensee from another state who is seeking licensure in this state, an optometrist licensed after the effective date of this section who intends to obtain certification to administer diagnostic pharmaceutical agents and to administer and prescribe therapeutic pharmaceutical agents shall obtain the certification at the time of initial licensure.

**History:** Add. 1994, Act 384, Eff. Mar. 30, 1995.

**Popular name:** Act 368