

House Bill 36

By: Representatives Ehrhart of the 36th, Meadows of the 5th, Maxwell of the 17th, Harrell of the 106th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to
2 optometrists, so as to change and provide certain definitions to permit doctors of optometry
3 to administer pharmaceutical agents by injection under certain circumstances; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists,
8 is amended by revising Code Section 43-30-1, relating to definitions, as follows:

9 "43-30-1.

10 As used in this chapter, the term:

11 (1) 'Board' means the State Board of Optometry.

12 (2)(A) 'Optometry' means the art and science of visual care and is declared to be a
13 learned profession. The practice of optometry consists of the diagnosis and
14 interpretation of the visual behavior of the human organism by the employment of any
15 means other than surgery. The practice of optometry further consists of the correction
16 of visual anomalies through the prescribing, employment, and use of lenses, prisms,
17 frames, mountings, contact lenses, orthoptic exercises, and visual training, light
18 frequencies, and any other means or methods for the relief, correction, or remedy of any
19 insufficiencies or abnormal conditions of the human visual organism, other than
20 surgery. Optometrists are prohibited from using nondiagnostic lasers. Nothing in this
21 chapter shall prohibit the use, administration, or prescription of pharmaceutical agents
22 for diagnostic purposes and treatment of ocular disease in the practice of optometry by
23 optometrists who have received pharmacological training and certification from a
24 properly accredited institution of higher learning and who are certified by the board to
25 use pharmaceutical agents for diagnostic and treatment purposes. Only a doctor of
26 optometry who:

- 27 (i) Is already certified for using pharmaceutical agents for diagnostic purposes;
 28 (ii) Has passed or passes an examination approved by the board which tests
 29 knowledge of pharmacology for treatment and management of ocular diseases;
 30 (iii) Is certified in coronary pulmonary resuscitation (CPR); and
 31 (iv) Maintains at least \$1 million in malpractice insurance coverage

32 shall be certified to use pharmaceutical agents for treatment purposes.

33 ~~(B) The board shall establish by rule a list, which may be modified from time to time,~~
 34 ~~of pharmaceutical agents which optometrists shall be allowed to use for treatment~~
 35 ~~purposes.~~

36 ~~(C) A doctor of optometry shall not administer any pharmaceutical agent by injection.~~

37 (B) Pharmaceutical agents which are used by a doctor of optometry and administered
 38 by injection may only be:

39 (i) An injection that is not sub-tenon, retrobulbar, intraocular, or a botulinum toxin;
 40 and

41 (ii) Administered by either a:

42 (I) Doctor of optometry who holds a current license or certificate of registration
 43 issued by the board and who has obtained a certificate showing successful
 44 completion of an injectibles training program sponsored by a school or college of
 45 optometry credentialed by the United States Department of Education and the
 46 Council on Postsecondary Accreditation; or

47 (II) Doctor of optometry enrolled in an injectibles training program sponsored by
 48 a school or college of optometry credentialed by the United States Department of
 49 Education and the Council on Postsecondary Accreditation in order to fulfill the
 50 requirements of such training program and under the direct supervision of a doctor
 51 of optometry who holds a current license or certificate of registration issued by the
 52 board or under the direct supervision of a board certified physician in
 53 ophthalmology who is licensed to practice medicine in this state.

54 ~~(D)(C)~~ (C) Pharmaceutical agents which are used by a doctor of optometry for treatment
 55 purposes and administered orally or by injection may only be:

56 (i)(I) Nonnarcotic oral analgesics and hydrocodone and Schedule III or Schedule
 57 IV controlled substances which are oral analgesics;

58 (II) Used for ocular pain; and

59 (III) Used for no more than 72 hours without consultation with the patient's
 60 physician; provided, however, that with respect to hydrocodone, used for no more
 61 than 48 hours without consultation with the patient's physician; or

62 (ii) ~~Antibiotics, antivirals, corticosteroids, antifungals, antihistamines, or~~
 63 ~~antiglaucoma agents related~~ Related to the diagnosis or treatment of diseases and

64 conditions of the eye and adnexa oculi except Schedule I or Schedule II controlled
 65 substances; ~~provided, however, that a doctor of optometry shall not be authorized to~~
 66 ~~administer pharmaceutical agents by injection.~~ Doctors of optometry using such
 67 pharmaceutical agents shall be held to the same standard of care imposed by Code
 68 Section 51-1-27 as would be applied to a physician licensed under Chapter 34 of this
 69 title performing similar acts; provided, however, that a doctor of optometry shall not
 70 be authorized to treat systemic diseases.

71 ~~(E)~~(D) Pharmaceutical agents which are used by a doctor of optometry for treatment
 72 purposes and administered topically shall be subject to the following conditions only
 73 when used for the treatment of glaucoma:

- 74 (i) If the pharmaceutical agent is a beta blocker, an optometrist certified to use
 75 pharmaceutical agents for treatment purposes ~~must~~ shall take a complete case history
 76 and determine whether the patient has had a physical examination within the past
 77 year. If the patient has not had such a physical examination or if the patient has any
 78 history of congestive heart failure, bradycardia, heart block, asthma, or chronic
 79 obstructive pulmonary disease, that patient ~~must~~ shall be referred to a person licensed
 80 under Chapter 34 of this title for examination prior to initiating beta blocker therapy;
- 81 (ii) If the glaucoma patient does not respond to the topically administered
 82 pharmaceutical agents after 60 days of treatment, that patient ~~must~~ shall be referred
 83 to an ophthalmologist;
- 84 (iii) If the patient is diagnosed as having closed angle glaucoma, the patient shall be
 85 immediately referred to an ophthalmologist; and
- 86 (iv) If the pharmaceutical agent is oral corticosteroids, an optometrist certified to use
 87 pharmaceutical agents for treatment purposes ~~must~~ shall take a complete case history
 88 and determine whether the patient has had a physical examination within the past year
 89 and ~~must~~ shall not prescribe oral corticosteroids for a patient with any condition for
 90 which oral corticosteroids are contraindicated, and in no event shall such oral
 91 corticosteroids be prescribed for more than 14 days.

92 ~~(F)~~(E) Doctors of optometry using pharmaceutical agents for treatment purposes shall
 93 be held to the same standard of care imposed by Code Section 51-1-27 as would be
 94 applied to a physician licensed under Chapter 34 of this title performing similar acts.

95 ~~(G)~~(F) Any doctor of optometry who uses a pharmaceutical agent, except under the
 96 conditions specified therefor by this chapter and any other law, shall be guilty of a
 97 misdemeanor unless a greater penalty is otherwise provided by law.

98 ~~(H)~~(G) Nothing in this chapter shall be construed to allow a doctor of optometry to
 99 dispense pharmaceutical agents to patients."

100

SECTION 2.

101 All laws and parts of laws in conflict with this Act are repealed.