

HOUSE No. 2066

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Optometrists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
Viriato Manuel deMacedo	1st Plymouth
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol
F. Jay Barrows	1st Bristol
Lewis G. Evangelidis	1st Worcester
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Jeffrey Davis Perry	5th Barnstable
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex
Carolyn Dykema	8th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO OPTOMETRISTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out, in line 244, the words “sections 66 and 66B” and
3 inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and
4 66C.
- 5 SECTION 2. Section 7 of said chapter 94C, as so appearing, is hereby amended by striking out,
6 in line 168, the words “sections 66 and 66B” and inserting in place thereof the following
7 words:— either sections 66 and 66B or sections 66 and 66C.
- 8 SECTION 3. Section 9 of said chapter 94C, as so appearing, is hereby amended by striking out,
9 in line 2, the words “sections 66 and 66B” and inserting in place thereof the following words:—
10 either sections 66 and 66B or sections 66 and 66C.
- 11 SECTION 4. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by
12 inserting after the word “podiatrist”, in line 72, the following word:— , optometrist,.
- 13 SECTION 5. Section 66 of chapter 112 of the General Laws, as so appearing, is hereby amended
14 by inserting after the word “utilization”, in line 7, the following words:— and prescription.
- 15 SECTION 6. Said section 66 of said chapter 112, as so appearing, is hereby further amended by
16 striking out, in line 12, the words “and 66B” and inserting in place thereof the following
17 words:— , 66B and 66C.
- 18 SECTION 7. The first paragraph of section 66A of said chapter 112, as so appearing, is hereby
19 amended by adding the following sentence:— A registered optometrist may utilize epinephrine,
20 adrenaline or other agents used in the percutaneous treatment of anaphylaxis.
- 21 SECTION 8. Section 66B of said chapter 112, as so appearing, is hereby amended by inserting
22 after the words “injection,” in line 13, the third time it appears, the following words:— , except
23 for the utilization of epinephrine, adrenaline or other agents used in the percutaneous treatment
24 of anaphylaxis.
- 25 SECTION 9. Said chapter 112 is hereby further amended by inserting after section 66B the

26 following section:— Section 66C. (a) A registered optometrist, qualified by examination for
27 practice under section 68 after January 1, 2003, duly certified in accordance with section 68C
28 and duly registered to issue written prescriptions in accordance with paragraph (h) of section 7 of
29 chapter 94C may, for the purpose of diagnosing, preventing, correcting, managing or treating
30 ocular diseases, including glaucoma and ocular abnormalities of the human eye and adjacent
31 tissue, utilize and prescribe topical and oral therapeutic pharmaceutical agents used in the
32 practice of optometry as defined in section 66 and described in Title 21 U.S.C. Section 812 or in
33 chapter 94C, including those placed in schedules III, IV, V and VI by the commissioner pursuant
34 to section 2 of chapter 94C and including the utilization of epinephrine, adrenalin, or other
35 agents used in the percutaneous treatment of anaphylaxis.

36 Nothing in this section shall be construed to permit optometric utilization or prescription of:
37 (a) therapeutic pharmaceutical agents for the treatment of systemic diseases; (b) invasive
38 surgical procedures; or (c) pharmaceutical agents administered by subdermal injection,
39 intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection,
40 except as authorized above for the percutaneous treatment of anaphylaxis. The pharmaceutical
41 agents from schedule III shall be limited to the narcotic analgesics and shall not include the use
42 of hallucinogenic substances or anabolic steroids. Oral steroid treatment required beyond 14 days
43 shall be continued only in consultation with the patient's physician. (b) If, during the course of
44 examining or treating a patient with the aid of a diagnostic or therapeutic pharmaceutical agent,
45 an optometrist, exercising professional judgment and that degree of expertise, care and
46 knowledge ordinarily possessed and exercised by optometrists under like circumstances,
47 determines the existence of the signs of previously unevaluated disease which requires treatment
48 not included in the scope of optometric practice as set forth in section 66, such optometrist shall
49 refer the patient to a licensed physician or other qualified health care practitioner. Optometrists
50 may utilize and prescribe nonlegend agents. (c) Nothing in this section shall prevent a qualified
51 optometrist from serving as an approved investigator in a clinical trial evaluating such drugs. (d)
52 If a patient exam shows newly diagnosed congenital glaucoma or if, during the course of
53 examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an
54 optometrist shall refer that patient to a qualified physician for treatment. (e) Optometrists
55 licensed under this chapter 112 and the board of registration in optometry shall participate in
56 appropriate state or federal reports or data collection efforts relative to patient safety and medical
57 error reduction coordinated by the Betsy Lehman center for patient safety and medical error
58 reduction established in section 16E of chapter 6A . Every insurer or risk management
59 organization that provides insurance to an optometrist licensed under this chapter 112 shall make
60 an annual report to the center. The report shall list the top 10 categories of losses, claims or
61 actions for damage for personal injuries alleged to have been caused by error, omission or
62 negligence in the performance by optometrists of services the company incurred during the
63 previous calendar year. Reports shall include completed cases and settlements only and shall not
64 include information identifying providers or patients. Reports shall be provided to the center at
65 its request under annual timelines and reporting requirements established by the center with the

66 input of the advisory committee established in section subsection (c) of said section 16E of said
67 chapter 6A. The center shall use this information in the development of evidence-based best
68 practices to reduce errors and enhance patient safety as required by subsection (e) of said section
69 16E of said chapter 6A to increase awareness of error prevention strategies through public and
70 professional education as required by that subsection.

71 SECTION 10. Said chapter 112 is hereby further amended by inserting after section 68B the
72 following section:— Section 68C (a) The board of registration in optometry shall administer an
73 examination designed to measure the qualifications necessary to safely utilize and prescribe
74 therapeutic pharmaceutical agents defined in subsection (a) of section 66C. Such examination
75 shall be held in conjunction with examinations provided in sections 68, 68A and 68B and shall
76 include any portion of the examination administered by the National Board of Examiners in
77 Optometry or other appropriate examinations covering the subject matter of therapeutic
78 pharmaceutical agents. Nothing shall prohibit the board from administering 1 examination to
79 measure the qualifications necessary under sections 68, 68A, 68B and 68C. The board shall,
80 subsequent to January 1, 2003, only qualify for practice in accordance with said sections 68,
81 68A, 68B and 68C and any applicant that presents satisfactory evidence that he has graduated
82 from a school or college of optometry, approved by the board, subsequent to January 1, 2003
83 shall have satisfied all the requirements of sections 68, 19 68A, 68B and 68C. (b) Examination
84 for the utilization and prescription of therapeutic pharmaceutical agents placed under schedules
85 III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and defined in
86 subsection (a) of section 66C shall, upon application, be open to an optometrist registered under
87 section 68, 68A or 68B and to any person who meets the qualifications for examination under
88 sections 68, 68A and 68B. Each such applicant, registered as an optometrist under said section
89 68, 68A or 68B, shall possess a current Massachusetts controlled substance registration for the
90 use of topical pharmaceutical agents described in section 66B and placed under schedule VI by
91 the commissioner pursuant to section 2 of chapter 94C and shall furnish to the board of
92 registration in optometry evidence of the satisfactory completion of 40 hours of didactic
93 education and 20 hours of supervised clinical education relating to the utilization and
94 prescription of therapeutic pharmaceutical agents defined in subsection (a) of section 66C. Such
95 education shall be administered by the Massachusetts Society of Optometrists, shall be
96 accredited by a college of optometry or medicine and shall otherwise meet the guidelines and
97 requirements of the board of registration in optometry. The board of registration in optometry
98 shall provide to the department of public health and each successful applicant a certificate of
99 qualification in the utilization and prescription of all therapeutic pharmaceutical agents as
100 defined in said subsection (a) of said 43 section 66C. (c) An optometrist licensed in another
101 jurisdiction shall, after January 1, 2003, be deemed an applicant under section 68C by the board
102 of registration in optometry. An optometrist licensed in another jurisdiction may submit evidence
103 to the board of registration in optometry of practice equivalent to that required in section 68, 49
104 68A or 68B and the board, at its discretion, may accept such evidence in order to satisfy any of
105 the requirements of this section. An optometrist licensed in another jurisdiction to utilize and

106 prescribe therapeutic pharmaceutical agents substantially equivalent to those placed under
107 schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and
108 defined in subsection (a) of section 66C may submit evidence to the board of registration in
109 optometry of equivalent didactic and supervised clinical education in order to satisfy all the
110 requirements of this section. (d) A licensed optometrist who has completed a Council on
111 Optometric Education- approved, post-graduate residency program after July 31, 1997 may
112 submit an affidavit to the board of registration in optometry from their residency supervisor or
113 the director of residencies at the affiliated college of optometry attesting that an equivalent level
114 of instruction and supervision was completed in order to satisfy all the requirements of this
115 section. (e) As a requirement of license renewal, an optometrist licensed under this section shall
116 submit to the board of registration in optometry evidence attesting to the completion of 3 hours
117 of continuing education specific to glaucoma.

118 **SECTION 11.** Within 90 days after the effective date of this act, the department of public health
119 and the board of registration in optometry shall promulgate the rules and regulations required by
120 sections 1, 7, 9 and 27 of chapter 94C of the General Laws and sections 66, 66A, 66B, 66C and
121 68C of chapter 112 of the General Laws.