

HOUSE No. 02357

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:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Geraldine Creedon</i>	<i>11th Plymouth</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Stephen R. Canessa</i>	<i>12th Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>
<i>Donald Wong</i>	<i>9th Essex</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Ryan Fattman</i>	<i>18th Worcester</i>

<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Nicholas Boldyga</i>	<i>3rd Hampden</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>David Vieira,</i>	<i>3rd Barnstable</i>
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>
<i>David M. Torrisi</i>	<i>14th Essex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>

HOUSE No. 02357

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2357) of Bradley H. Jones, Jr. and others relative to the use of epinephrine, adrenaline or other agents by optometrists in the treatment of anaphylaxis. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2066 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008 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 191, 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 70, 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:

27 Section 66C. (a) A registered optometrist, qualified by examination for practice under section 68
28 after January 1, 2003, duly certified in accordance with section 68C and duly registered to issue

29 written prescriptions in accordance with paragraph (h) of section 7 of chapter 94C may, for the
30 purpose of diagnosing, preventing, correcting, managing or treating ocular diseases, including
31 glaucoma and ocular abnormalities of the human eye and adjacent tissue, utilize and prescribe
32 topical and oral therapeutic pharmaceutical agents used in the practice of optometry as defined in
33 section 66 and described in Title 21 U.S.C. Section 812 or in chapter 94C, including those placed
34 in schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C and
35 including the utilization of epinephrine, adrenalin, or other agents used in the percutaneous
36 treatment of anaphylaxis.

37 Nothing in this section shall be construed to permit optometric utilization or prescription of:
38 (a) therapeutic pharmaceutical agents for the treatment of systemic diseases; (b) invasive
39 surgical procedures; or (c) pharmaceutical agents administered by subdermal injection,
40 intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection,
41 except as authorized above for the percutaneous treatment of anaphylaxis. The pharmaceutical
42 agents from schedule III shall be limited to the narcotic analgesics and shall not include the use
43 of hallucinogenic substances or anabolic steroids. Oral steroid treatment required beyond 14 days
44 shall be continued only in consultation with the patient's physician. (b) If, during the course of
45 examining or treating a patient with the aid of a diagnostic or therapeutic pharmaceutical agent,
46 an optometrist, exercising professional judgment and that degree of expertise, care and
47 knowledge ordinarily possessed and exercised by optometrists under like circumstances,
48 determines the existence of the signs of previously unevaluated disease which requires treatment
49 not included in the scope of optometric practice as set forth in section 66, such optometrist shall
50 refer the patient to a licensed physician or other qualified health care practitioner. Optometrists
51 may utilize and prescribe nonlegend agents. (c) Nothing in this section shall prevent a qualified

52 optometrist from serving as an approved investigator in a clinical trial evaluating such drugs. (d)
53 If a patient exam shows newly diagnosed congenital glaucoma or if, during the course of
54 examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an
55 optometrist shall refer that patient to a qualified physician for treatment. (e) Optometrists
56 licensed under this chapter 112 and the board of registration in optometry shall participate in
57 appropriate state or federal reports or data collection efforts relative to patient safety and medical
58 error reduction coordinated by the Betsy Lehman center for patient safety and medical error
59 reduction established in section 16E of chapter 6A. Every insurer or risk management
60 organization that provides insurance to an optometrist licensed under this chapter 112 shall make
61 an annual report to the center. The report shall list the top 10 categories of losses, claims or
62 actions for damage for personal injuries alleged to have been caused by error, omission or
63 negligence in the performance by optometrists of services the company incurred during the
64 previous calendar year. Reports shall include completed cases and settlements only and shall not
65 include information identifying providers or patients. Reports shall be provided to the center at
66 its request under annual timelines and reporting requirements established by the center with the
67 input of the advisory committee established in section subsection (c) of said section 16E of said
68 chapter 6A. The center shall use this information in the development of evidence-based best
69 practices to reduce errors and enhance patient safety as required by subsection (e) of said section
70 16E of said chapter 6A to increase awareness of error prevention strategies through public and
71 professional education as required by that subsection.

72 SECTION 10. Said chapter 112 is hereby further amended by inserting after section 68B the
73 following section:

74 Section 68C (a) The board of registration in optometry shall administer an examination designed
75 to measure the qualifications necessary to safely utilize and prescribe therapeutic pharmaceutical
76 agents defined in subsection (a) of section 66C. Such examination shall be held in conjunction
77 with examinations provided in sections 68, 68A and 68B and shall include any portion of the
78 examination administered by the National Board of Examiners in Optometry or other appropriate
79 examinations covering the subject matter of therapeutic pharmaceutical agents. Nothing shall
80 prohibit the board from administering 1 examination to measure the qualifications necessary
81 under sections 68, 68A, 68B and 68C. The board shall, subsequent to January 1, 2003, only
82 qualify for practice in accordance with said sections 68, 68A, 68B and 68C and any applicant
83 that presents satisfactory evidence that he has graduated from a school or college of optometry,
84 approved by the board, subsequent to January 1, 2003 shall have satisfied all the requirements of
85 sections 68, 19 68A, 68B and 68C. (b) Examination for the utilization and prescription of
86 therapeutic pharmaceutical agents placed under schedules III, IV, V and VI by the commissioner
87 pursuant to section 2 of chapter 94C and defined in subsection (a) of section 66C shall, upon
88 application, be open to an optometrist registered under section 68, 68A or 68B and to any person
89 who meets the qualifications for examination under sections 68, 68A and 68B. Each such
90 applicant, registered as an optometrist under said section 68, 68A or 68B, shall possess a current
91 Massachusetts controlled substance registration for the use of topical pharmaceutical agents
92 described in section 66B and placed under schedule VI by the commissioner pursuant to section
93 2 of chapter 94C and shall furnish to the board of registration in optometry evidence of the
94 satisfactory completion of 40 hours of didactic education and 20 hours of supervised clinical
95 education relating to the utilization and prescription of therapeutic pharmaceutical agents defined
96 in subsection (a) of section 66C. Such education shall be administered by the Massachusetts

97 Society of Optometrists, shall be accredited by a college of optometry or medicine and shall
98 otherwise meet the guidelines and requirements of the board of registration in optometry. The
99 board of registration in optometry shall provide to the department of public health and each
100 successful applicant a certificate of qualification in the utilization and prescription of all
101 therapeutic pharmaceutical agents as defined in said subsection (a) of said 43 section 66C. (c) An
102 optometrist licensed in another jurisdiction shall, after January 1, 2003, be deemed an applicant
103 under section 68C by the board of registration in optometry. An optometrist licensed in another
104 jurisdiction may submit evidence to the board of registration in optometry of practice equivalent
105 to that required in section 68, 49 68A or 68B and the board, at its discretion, may accept such
106 evidence in order to satisfy any of the requirements of this section. An optometrist licensed in
107 another jurisdiction to utilize and prescribe therapeutic pharmaceutical agents substantially
108 equivalent to those placed under schedules III, IV, V and VI by the commissioner pursuant to
109 section 2 of chapter 94C and defined in subsection (a) of section 66C may submit evidence to the
110 board of registration in optometry of equivalent didactic and supervised clinical education in
111 order to satisfy all the requirements of this section. (d) A licensed optometrist who has completed
112 a Council on Optometric Education- approved, post-graduate residency program after July 31,
113 1997 may submit an affidavit to the board of registration in optometry from their residency
114 supervisor or the director of residencies at the affiliated college of optometry attesting that an
115 equivalent level of instruction and supervision was completed in order to satisfy all the
116 requirements of this section. (e) As a requirement of license renewal, an optometrist licensed
117 under this section shall submit to the board of registration in optometry evidence attesting to the
118 completion of 3 hours of continuing education specific to glaucoma.

119 SECTION 11. Within 90 days after the effective date of this act, the department of public health
120 and the board of registration in optometry shall promulgate the rules and regulations required by
121 sections 1, 7, 9 and 27 of chapter 94C of the General Laws and sections 66, 66A, 66B, 66C and
122 68C of chapter 112 of the General Laws.”.