

**SENATE . . . . . No. 1070**

The Commonwealth of Massachusetts

PRESENTED BY:

***Richard T. Moore***

*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 the modernization of optometric patient care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>

**SENATE . . . . . No. 1070**

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By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 1070) of Richard T. Moore, Michael O. Moore, Anne M. Gobi, Timothy R. Madden and other members of the General Court for legislation relative to the modernization of optometric patient care. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE

□ □ SENATE  
□ , NO. 2249 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to the modernization of optometric patient care.

*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 2010  
2 Official Edition, is hereby amended by striking out, in line 248, the words "sections 66 and 66B"  
3 and 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  
6 striking out, in line 202, the words "sections 66 and 66B" and inserting in place thereof the  
7 following 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  
9 striking out, in line 2, the words "sections 66 and 66B" and inserting in place thereof the  
10 following words:- 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  
12 amended by inserting after the word "podiatrist", in line 64, the following word:- , optometrist.

13 SECTION 5. Section 66 of chapter 112 of the General Laws, as so appearing, is hereby  
14 amended by inserting after the word "utilization", in line 7, the following words:- and  
15 prescription.

16 SECTION 6. Said section 66 of said chapter 112, as so appearing, is hereby further  
17 amended by striking out, in line 12, the words " and 66B" and inserting in place thereof the  
18 following words:- , 66B and 66C.

19 SECTION 7. The first paragraph of section 66A of said chapter 112, as so appearing, is  
20 hereby amended by adding the following sentence:- A registered optometrist may utilize  
21 epinephrine, adrenaline or other agents used in the percutaneous treatment of anaphylaxis.

22 SECTION 8. Section 66B of said chapter 112, as so appearing, is hereby amended by  
23 inserting after the words "injection" in line 13, the third time it appears, the following words:- ,  
24 except for the utilization of epinephrine, adrenaline or other agents used in the percutaneous  
25 treatment of anaphylaxis.

26 SECTION 9. Said chapter 112 is hereby further amended by inserting after section 66B  
27 the following section:-

28 Section 66C. (a) A registered optometrist, qualified by examination for practice under  
29 section 68, duly certified in accordance with section 68C and duly registered to issue written  
30 prescriptions in accordance with subsection (h) of section 7 of chapter 94C may, for the purpose  
31 of diagnosing, preventing, correcting, managing or treating ocular diseases, including glaucoma  
32 and ocular abnormalities of the human eye and adjacent tissue, utilize and prescribe topical and  
33 oral therapeutic pharmaceutical agents, described in 21 U.S.C. Section 812 or chapter 94C,  
34 which are used in the practice of optometry as defined in section 66, including those placed in  
35 schedules III, IV, V and VI by the commissioner pursuant to section 2 of said chapter 94C, and  
36 including the utilization of epinephrine, adrenalin or other agents used in the percutaneous  
37 treatment of anaphylaxis. Nothing in this section shall be construed to permit optometric  
38 utilization or prescription of: (i) therapeutic pharmaceutical agents for the treatment of systemic  
39 diseases; (ii) invasive surgical procedures; or (iii) pharmaceutical agents administered by  
40 subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or  
41 retrobulbar injection, except as authorized herein for the percutaneous treatment of anaphylaxis.  
42 The use of pharmaceutical agents placed in schedule III under section 2 of said chapter 94C shall  
43 be limited to narcotic analgesics and shall not include the use of hallucinogenic substances or  
44 anabolic steroids. Oral steroid treatment required beyond 14 days shall be continued only in  
45 consultation with the patient's physician.

46 (b) If during the course of examining or treating a patient with the aid of a diagnostic or  
47 therapeutic pharmaceutical agent, an optometrist, exercising professional judgment and that  
48 degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists  
49 under like circumstances, determines the existence of signs of previously unevaluated disease

50 which requires treatment not included in the scope of optometric practice as set forth in section  
51 66, the optometrist shall refer the patient to a licensed physician or other qualified health care  
52 practitioner. Optometrists may utilize and prescribe nonlegend agents.

53 (c) Nothing in this section shall prevent a qualified optometrist from serving as an  
54 approved investigator in a clinical trial evaluating pharmaceutical agents for use in the practice  
55 of optometry as defined in section 66; provided, however, that such pharmaceutical agent is, or  
56 would be anticipated to be, utilized or prescribed by optometrists in accordance with subsections  
57 (a) or (b).

58 (d) If a patient exam shows newly diagnosed congenital glaucoma or if, during the course  
59 of examining, managing or treating a patient with glaucoma, surgical treatment is indicated,  
60 an optometrist shall refer that patient to a qualified physician for treatment.

61 (e) Optometrists licensed under this chapter and the board of registration in optometry  
62 shall participate in appropriate state or federal reports or data collection efforts relative to patient  
63 safety and medical error reduction including, but not limited to, any such efforts coordinated by  
64 the Betsy Lehman center for patient safety and medical error reduction established in section 16E  
65 of chapter 6A.

66 SECTION 10. Said chapter 112 is hereby further amended by inserting after section 68B  
67 the following section:-

68 Section 68C. (a) The board of registration in optometry shall administer an examination  
69 designed to measure the qualifications necessary to safely utilize and prescribe therapeutic  
70 pharmaceutical agents defined in subsection (a) of section 66C. Such examination shall be held  
71 in conjunction with examinations provided in sections 68, 68A and 68B and shall include any  
72 portion of the examination administered by the National Board of Examiners in Optometry or  
73 other appropriate examinations covering the subject matter of therapeutic pharmaceutical agents.  
74 Nothing shall prohibit the board from administering 1 examination to measure the qualifications  
75 necessary under sections 68, 68A, 68B and 68C.

76 (b) Examination for the utilization and prescription of therapeutic pharmaceutical agents  
77 placed under schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter  
78 94C and defined in subsection (a) of section 66C shall, upon application, be open to an  
79 optometrist registered under section 68, 68A or 68B and to any person who meets the  
80 qualifications for examination under said sections 68, 68A and 68B. Each such applicant  
81 registered as an optometrist under said section 68, 68A or 68B shall possess a current  
82 Massachusetts controlled substance registration for the use of topical pharmaceutical agents  
83 described in section 66B and placed under schedule VI by the commissioner pursuant to said  
84 section 2 of said chapter 94C and shall furnish to the board of registration in optometry evidence  
85 of the satisfactory completion of 40 hours of didactic education and 20 hours of supervised  
86 clinical education relating to the utilization and prescription of therapeutic pharmaceutical

87 agents. Such education shall be provided by the Massachusetts Society of Optometrists or a duly  
88 accredited medical school or college of optometry and shall otherwise meet the guidelines and  
89 requirements of the board of registration in optometry. The board of registration in optometry  
90 shall provide to the department of public health and each successful applicant a certificate of  
91 qualification in the utilization and prescription of all therapeutic pharmaceutical agents as  
92 defined in said subsection (a) of said section 66C.

93 (c) An optometrist licensed in another jurisdiction after January 1, 2009 and seeking to  
94 become licensed as an optometrist in the commonwealth may submit evidence to the board of  
95 registration in optometry of practice equivalent to that required in section 68, 68A or 68B and the  
96 board, at its discretion, may accept such evidence in order to satisfy any of the requirements of  
97 this section. An optometrist licensed in another jurisdiction to utilize and prescribe therapeutic  
98 pharmaceutical agents substantially equivalent to those placed under schedules III, IV, V and VI  
99 by the commissioner under section 2 of chapter 94C and defined in subsection (a) of section 66C  
100 may submit evidence to the board of registration in optometry of equivalent didactic and  
101 supervised clinical education in order to satisfy all of the requirements of this section.

102 (d) In order to satisfy all of the requirements of this section, a licensed optometrist who  
103 has completed a Council on Optometric Education- approved, post-graduate residency  
104 program after July 31, 1997 may submit an affidavit to the board of registration in optometry  
105 from their residency supervisor or the director of residencies at the affiliated college of  
106 optometry attesting that an equivalent level of instruction and supervision was completed.

107 (e) As a requirement of license renewal, an optometrist licensed under this section shall  
108 submit to the board of registration in optometry evidence attesting to the completion of 3 hours  
109 of continuing education specific to glaucoma.

110 SECTION 11. Section 66C of chapter 112 of the General Laws shall apply to registered  
111 optometrists qualified by examination for practice under section 68 of said chapter 112 after  
112 January 1, 2009.

113 SECTION 12. Under subsection (a) of section 68C of chapter 112 of the General Laws,  
114 the board shall only qualify a person for the practice of optometry in accordance with sections  
115 68, 68A, 68B and 68C of chapter 112 of the General Laws; provided, however, that any  
116 applicant who presents satisfactory evidence of graduation subsequent to January 1, 2009, from a  
117 school or college of optometry approved by the board shall be deemed to have satisfied all of the  
118 requirements of sections 68, 68A, 68B and 68C of said chapter 112.

119 SECTION 13. Within 90 days after the effective date of this act, the department of public  
120 health and the board of registration in optometry shall promulgate rules and regulations  
121 necessary for the implementation of the amendments to sections 7 and 9 of chapter 94C of the  
122 General Laws and sections 66, 66A, 66B, 66C and 68C of chapter 112 of the General Laws as  
123 provided in this act.