

**HOUSE . . . . . No. 2357**

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**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 adoption of the accompanying bill:

**An Act Relative to Optometrists..**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/20/2011</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/27/2011</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>	<i>1/27/2011</i>
<i>Geraldine M. Creedon</i>	<i>11th Plymouth</i>	<i>2/1/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/1/2011</i>
<i>William N. Brownsberger</i>		<i>2/1/2011</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/2/2011</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>	<i>2/2/2011</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/2/2011</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/2/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>Stephen R. Canessa</i>	<i>12th Bristol</i>	<i>2/3/2011</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/3/2011</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>	<i>2/3/2011</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>2/3/2011</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/3/2011</i>
<i>Ryan C. Fattman</i>	<i>18th Worcester</i>	<i>2/3/2011</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/3/2011</i>

<i>John D. Keenan</i>	<i>7th Essex</i>	<i>2/4/2011</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/4/2011</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/4/2011</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/4/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>2/4/2011</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/4/2011</i>
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	<i>2/4/2011</i>
<i>David M. Torrisi</i>	<i>14th Essex</i>	<i>2/4/2011</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/4/2011</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/4/2011</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>1/26/2011</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/4/2011</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/21/2011</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>2/1/2011</i>

**HOUSE . . . . . No. 2357**

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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.

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

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Eleven**  
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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  
2 Official Edition, is hereby amended by striking out, in line 244, the words “sections 66 and 66B”  
3 and inserting in place thereof the following words:— either sections 66 and 66B or sections 66  
4 and 66C.

5           SECTION 2. Section 7 of said chapter 94C, as so appearing, is hereby amended by  
6 striking out, in line 191, 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 70, the following word:— ,  
13 optometrist,.

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

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

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

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

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

29 Section 66C. (a) A registered optometrist, qualified by examination for practice under  
30 section 68 after January 1, 2003, duly certified in accordance with section 68C and duly  
31 registered to issue written prescriptions in accordance with paragraph (h) of section 7 of chapter

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

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

55 If a patient exam shows newly diagnosed congenital glaucoma or if, during the course of  
56 examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an  
57 optometrist shall refer that patient to a qualified physician for treatment. (e) Optometrists  
58 licensed under this chapter 112 and the board of registration in optometry shall participate in  
59 appropriate state or federal reports or data collection efforts relative to patient safety and medical  
60 error reduction coordinated by the Betsy Lehman center for patient safety and medical error  
61 reduction established in section 16E of chapter 6A. Every insurer or risk management  
62 organization that provides insurance to an optometrist licensed under this chapter 112 shall make  
63 an annual report to the center. The report shall list the top 10 categories of losses, claims or  
64 actions for damage for personal injuries alleged to have been caused by error, omission or  
65 negligence in the performance by optometrists of services the company incurred during the  
66 previous calendar year. Reports shall include completed cases and settlements only and shall not  
67 include information identifying providers or patients. Reports shall be provided to the center at  
68 its request under annual timelines and reporting requirements established by the center with the  
69 input of the advisory committee established in section subsection (c) of said section 16E of said  
70 chapter 6A. The center shall use this information in the development of evidence-based best  
71 practices to reduce errors and enhance patient safety as required by subsection (e) of said section  
72 16E of said chapter 6A to increase awareness of error prevention strategies through public and  
73 professional education as required by that subsection.

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

76 Section 68C (a) The board of registration in optometry shall administer an examination  
77 designed to measure the qualifications necessary to safely utilize and prescribe therapeutic

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

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

121 SECTION 11. Within 90 days after the effective date of this act, the department of public  
122 health and the board of registration in optometry shall promulgate the rules and regulations

123 required by sections 1, 7, 9 and 27 of chapter 94C of the General Laws and sections 66, 66A,  
124 66B, 66C and 68C of chapter 112 of the General Laws.”.