

HOUSE No. 1983

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>1/16/2015</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>	<i>1/29/2015</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/16/2015</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>10/10/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>10/10/2019</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>10/10/2019</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>10/10/2019</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>10/10/2019</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>10/10/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>10/10/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>10/10/2019</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>10/10/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>10/10/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>10/10/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>10/10/2019</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>10/10/2019</i>
<i>Leah Cole</i>	<i>12th Essex</i>	<i>10/10/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>10/10/2019</i>

Kevin J. Kuros
Jeffrey Sánchez

8th Worcester
15th Suffolk

10/10/2019
10/10/2019

HOUSE No. 1983

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1983) 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. 1987 OF 2013-2014.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
—————

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 most recently amended
2 by chapter 165 of the acts of 2014, is hereby further amended by striking out the definition of
3 “practitioner”, in clause (c), the words “sections 66 and 66B” and inserting in place thereof the
4 following words:— either sections 66 and 66B or sections 66 and 66C.

5 SECTION 2. Section 7 of said chapter 94C is hereby further amended by striking out, in
6 line 199, the words “sections 66 and 66B” and inserting in place thereof the following words:—
7 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 72, the following word:— ,
13 optometrist,.

14 SECTION 5. Section 66 of chapter 112 of the General Laws, as appearing in 2012
15 Official Edition, is hereby amended by inserting after the word “utilization”, in line 7, the
16 following words:— and 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 prescription
40 of: (a) therapeutic pharmaceutical agents for the treatment of systemic diseases; (b) invasive
41 surgical procedures; or (c) pharmaceutical agents administered by sub-dermal injection,
42 intramuscular injection, intravenous injection, subcutaneous injection or retro-bulbar 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.

47 (b) If, during the course of examining or treating a patient with the aid of a diagnostic or
48 therapeutic pharmaceutical agent, an optometrist, exercising professional judgment and that
49 degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists
50 under like circumstances, determines the existence of the signs of previously unevaluated disease
51 which requires treatment not included in the scope of optometric practice as set forth in section

52 66, such optometrist shall refer the patient to a licensed physician or other qualified health care
53 practitioner. Optometrists may utilize and prescribe non-legend agents.

54 (c) Nothing in this section shall prevent a qualified optometrist from serving as an
55 approved investigator in a clinical trial evaluating such drugs.

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

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

73 16E of said chapter 6A to increase awareness of error prevention strategies through public and
74 professional education as required by that subsection.

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

77 Section 68C. (a) The board of registration in optometry shall administer an examination
78 designed to measure the qualifications necessary to safely utilize and prescribe therapeutic
79 pharmaceutical agents defined in subsection (a) of section 66C. Such examination shall be held
80 in conjunction with examinations provided in sections 68, 68A and 68B and shall include any
81 portion of the examination administered by the National Board of Examiners in Optometry or
82 other appropriate examinations covering the subject matter of therapeutic pharmaceutical agents.
83 Nothing shall prohibit the board from administering an examination to measure the qualifications
84 necessary under sections 68, 68A, 68B and 68C. The board shall, subsequent to January 1, 2003,
85 only qualify for practice in accordance with said sections 68, 68A, 68B and 68C and any
86 applicant that presents satisfactory evidence that he has graduated from a school or college of
87 optometry, approved by the board, subsequent to January 1, 2003 shall have satisfied all the
88 requirements of sections 68, 68A, 68B and 68C.

89 (b) Examination for the utilization and prescription of therapeutic pharmaceutical agents
90 placed under schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter
91 94C and defined in subsection (a) of section 66C shall, upon application, be open to an
92 optometrist registered under section 68, 68A or 68B and to any person who meets the
93 qualifications for examination under sections 68, 68A and 68B. Each such applicant, registered
94 as an optometrist under said section 68, 68A or 68B, shall possess a current Massachusetts

95 controlled substance registration for the use of topical pharmaceutical agents described in section
96 66B and placed under schedule VI by the commissioner pursuant to section 2 of chapter 94C and
97 shall furnish to the board of registration in optometry evidence of the satisfactory completion of
98 40 hours of didactic education and 20 hours of supervised clinical education relating to the
99 utilization and prescription of therapeutic pharmaceutical agents defined in subsection (a) of
100 section 66C. Such education shall be administered by the Massachusetts Society of Optometrists,
101 shall be accredited by a college of optometry or medicine and shall otherwise meet the guidelines
102 and requirements of the board of registration in optometry. The board of registration in
103 optometry shall provide to the department of public health and each successful applicant a
104 certificate of qualification in the utilization and prescription of all therapeutic pharmaceutical
105 agents as defined in said subsection (a) of said 43 section 66C.

106 (c) An optometrist licensed in another jurisdiction shall, after January 1, 2003, be deemed
107 an applicant under section 68C by the board of registration in optometry. An optometrist licensed
108 in another jurisdiction may submit evidence to the board of registration in optometry of practice
109 equivalent to that required in section 68, 49 68A or 68B and the board, at its discretion, may
110 accept such evidence in order to satisfy any of the requirements of this section. An optometrist
111 licensed in another jurisdiction to utilize and prescribe therapeutic pharmaceutical agents
112 substantially equivalent to those placed under schedules III, IV, V and VI by the commissioner
113 pursuant to section 2 of chapter 94C and defined in subsection (a) of section 66C may submit
114 evidence to the board of registration in optometry of equivalent didactic and supervised clinical
115 education in order to satisfy all the requirements of this section.

116 (d) A licensed optometrist who has completed a Council on Optometric Education-
117 approved, post-graduate residency program after July 31, 1997 may submit an affidavit to the

118 board of registration in optometry from their residency supervisor or the director of residencies at
119 the affiliated college of optometry attesting that an equivalent level of instruction and
120 supervision was completed in order to satisfy all the requirements of this section.

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

124 SECTION 11. Notwithstanding an special or general laws to the contrary, within 90 days
125 after the effective date of this act, the department of public health and the board of registration in
126 optometry shall promulgate the rules and regulations required by sections 1, 7, 9 and 27 of
127 chapter 94C of the General Laws and sections 66, 66A, 66B, 66C and 68C of chapter 112 of the
128 General Laws.