HOUSE DOCKET, NO. 433 FILED ON: 1/10/2019

HOUSE . . . . . No. 1906

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 ensuring consumer choice and equal access to eye care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patricia A. Haddad	*5th Bristol*	*1/10/2019*
Hannah Kane	*11th Worcester*	*1/17/2019*
Tricia Farley-Bouvier	*3rd Berkshire*	*1/23/2019*
Ruth B. Balser	*12th Middlesex*	*1/25/2019*
Bradley H. Jones, Jr.	*20th Middlesex*	*2/1/2019*
Patrick Joseph Kearney	*4th Plymouth*	*2/1/2019*
Shaunna L. O'Connell	*3rd Bristol*	*1/31/2019*
Marc R. Pacheco	*First Plymouth and Bristol*	*2/1/2019*
Jerald A. Parisella	*6th Essex*	*2/1/2019*
Sarah K. Peake	*4th Barnstable*	*1/29/2019*
Jeffrey N. Roy	*10th Norfolk*	*1/28/2019*
José F. Tosado	*9th Hampden*	*1/31/2019*
Joseph F. Wagner	*8th Hampden*	*1/31/2019*

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HOUSE . . . . . No. 1906

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 1906) of Patricia A. Haddad and others for legislation to allow optometrists to treat glaucoma and ocular abnormalities of the human eye and the adjoining and adjacent tissue. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act ensuring consumer choice and equal access to eye care.

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

SECTION 1. Chapter 112 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out section 66, and inserting in place thereof the following section:-

Section 66. As used in this chapter, "practice of optometry" shall mean the diagnosis, prevention, correction, management or treatment of optical deficiencies, optical deformities, visual anomalies, muscular anomalies, ocular diseases and ocular abnormalities of the human eye and adjacent tissue, including removal of superficial foreign bodies and misaligned eyelashes, by utilization of pharmaceutical agents, by the prescription, adaption and application of ophthalmic lenses, devices containing lenses, prisms, contact lenses, orthoptics, vision therapy, prosthetic devices and other optical aids and the utilization of corrective procedures to preserve, restore or improve vision, consistent with sections 66A, 66B and 66C.

SECTION 2. Section 66B of said chapter 112, as so appearing, is hereby amended by striking out, in line 31, the following words:- , except glaucoma.

SECTION 3. Said chapter 112 is hereby further amended by inserting after section 66B the following section:-

Section 66C. (a) A registered optometrist who is qualified by an examination for practice under section 68, certified under section 68C and registered to issue written prescriptions pursuant to subsection (h) of section 7 of chapter 94C, may: (i) use and prescribe topical and oral therapeutic pharmaceutical agents, as defined in section 66B, that are used in the practice of optometry, including those placed in schedules III, IV, V and VI pursuant to section 2 of said chapter 94C, for the purpose of diagnosing, preventing, correcting, managing or treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue; and (ii) prescribe all necessary eye-related medications, including oral anti-infective medications; provided, however, that a registered optometrist shall not use or prescribe: (1) therapeutic pharmaceutical agents for the treatment of systemic diseases; (2) invasive surgical procedures; (3) pharmaceutical agents administered by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection, intraocular injection or retrobulbar injection; or (4) an opioid substance or drug product.

(b) If an optometrist, while examining or treating a patient with the aid of a diagnostic or therapeutic pharmaceutical agent and exercising professional judgment and the degree of expertise, care and knowledge ordinarily possessed and exercised by optometrists under like circumstances, encounters a sign of a previously unevaluated disease that would require

treatment not included in the scope of the practice of optometry, the optometrist shall refer the patient to a licensed physician or other qualified health care practitioner.

(c) If an optometrist diagnoses a patient with congenital glaucoma or if, during the course of examining, managing or treating a patient with glaucoma, the optometrist determines that surgical treatment is indicated, the optometrist shall refer the patient to a qualified health care provider for treatment.

(d) An optometrist licensed under this chapter shall participate in any relevant state or federal report or data collection effort relative to patient safety and medical error reduction coordinated by the Betsy Lehman center for patient safety and medical error reduction established in section 15 of chapter 12C.

SECTION 4. Said chapter 112 is hereby further amended by inserting after section 68B the following section:-

Section 68C. (a) The board of registration in optometry shall administer an examination to permit the use and prescription of therapeutic pharmaceutical agents as authorized in section 66C. The examination shall: (i) be held in conjunction with examinations provided for in sections 68, 68A and 68B; and (ii) include any portion of the examination administered by the National Board of Examiners in Optometry or other appropriate examination covering the subject matter of therapeutic pharmaceutical agents as authorized in said section 66C. The board may administer a single examination to measure the qualifications necessary under said sections 68, 68A, 68B and this section. The board shall qualify optometrists to use and prescribe therapeutic pharmaceutical agents in accordance with said sections 68, 68A, 68B and this section.

(b) Examination for the use and prescription of therapeutic pharmaceutical agents placed in schedules III, IV, V and VI under section 2 of chapter 94C and defined in section 66C shall,

upon application, be open to an optometrist registered under section 68, 68A or 68B and to any person who meets the qualifications for examination under said sections 68, 68A and 68B. An applicant registered as an optometrist under said section 68, 68A or 68B shall: (i) be registered pursuant to paragraph (h) of section 7 to use or prescribe pharmaceutical agents for the purpose of diagnosing or treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue; and (ii) furnish to the board of registration in optometry evidence of the satisfactory completion of 40 hours of didactic education and 20 hours of supervised clinical education relating to the use and prescription of therapeutic pharmaceutical agents under section 66C; provided, however, that such education shall: (1) be administered by the Massachusetts Society of Optometrists, Inc.; (2) be accredited by a college of optometry or medicine; and (3) meet the guidelines and requirements of the board of registration in optometry. The board of registration in optometry shall provide to each successful applicant a certificate of qualification in the use and prescription of all therapeutic pharmaceutical agents as authorized under said section 66C and shall forward to the department of public health notice of such certification for each successful applicant.

(c) An optometrist licensed in another jurisdiction shall be deemed an applicant under this section by the board of registration in optometry. An optometrist licensed in another jurisdiction may submit evidence to the board of registration in optometry of practice equivalent to that required in section 68, 68A or 68B and the board, in its discretion, may accept the evidence in order to satisfy any of the requirements of this section. An optometrist in another jurisdiction licensed to utilize and prescribe therapeutic pharmaceutical agents for treating

glaucoma and other ocular abnormalities of the human eye and adjacent tissue may submit evidence to the board of registration in optometry of equivalent didactic and supervised clinical education, and the board, in its discretion, may accept the evidence in order to satisfy any of the requirements of this section.

(d) A licensed optometrist who has completed a postgraduate residency program approved by the Accreditation Council on Optometric Education of the American Optometric Association may submit an affidavit to the board of registration in optometry from the licensed optometrist's residency supervisor or the director of residencies at the affiliated college of optometry attesting that the optometrist has completed an equivalent level of instruction and supervision and the board, in its discretion, may accept the evidence in order to satisfy any of the requirements of this section.

(e) As a condition of license renewal, an optometrist licensed under this section shall submit to the board of registration in optometry evidence attesting to the completion of 3 hours of continuing education specific to glaucoma and the board, in its discretion, may accept the evidence to satisfy this condition for license renewal.

SECTION 5. The department shall designate hospitals pursuant to section 51M of chapter 111 of the General Laws not later than 180 days after the effective date of this act.

SECTION 6. The department shall establish protocols pursuant to section 51N of chapter 111 of the General Laws not later than 90 days after the effective date of this act. SECTION 202. The department shall establish the data oversight process pursuant to section 51O of chapter 111 of the General Laws not later than 180 days after the effective date of this act. SECTION 203. Section 66C of chapter 112 of the General Laws shall apply to registered optometrists who are

qualified by an examination for practice under section 68 of said chapter 112 after January 1, 2013.

SECTION 7. An applicant for examination to permit the use and prescription of therapeutic agents pursuant to section 68C of chapter 112 of the General Laws who presents satisfactory evidence of graduation from a school or college of optometry approved by the board after January 1, 2013 shall be deemed to have satisfied sections 68 to 68B, inclusive, of said chapter 112.

SECTION 8. Subsection (d) of section 68C of chapter 112 of the General Laws shall apply to licensed optometrists who have completed a postgraduate residency program approved by the Accreditation Council on Optometric Education of the American Optometric Association after July 31, 1997.