

SENATE No. 2296

The Commonwealth of Massachusetts

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

SENATE, July 18, 2019

The committee on Ways and Means to whom was referred the Senate Bill ensuring consumer choice and equal access to eye care (Senate, No. 2278),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2296).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-First General Court
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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:

1 SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in line 324, the words “sections 66 and 66B”
3 and inserting in place thereof the following words:- section 66 and section 66B or section 66C.

4 SECTION 2. Section 7 of said chapter 94C, as so appearing, is hereby amended by striking
5 out, in line 213, the words “sections 66 and 66B” and inserting in place thereof the following
6 words:- section 66 and section 66B or section 66C.

7 SECTION 3. Section 9 of said chapter 94C, as so appearing, is hereby amended by striking
8 out, in line 2, the words “sections 66 and 66B” and inserting in place thereof the following
9 words:- section 66 and section 66B or section 66C.

10 SECTION 4. Said section 9 of said chapter 94C, as so appearing, is hereby further
11 amended by inserting after the word “podiatrist”, in line 89, the following word:- , optometrist.

12 SECTION 5. Section 66 of chapter 112 of the General Laws, as so appearing, is hereby
13 amended by striking out, in lines 12 and 13, the words “and 66B” and inserting in place thereof
14 the following words:- to 66C, inclusive.

15 SECTION 6. Section 66B of said chapter 112, as so appearing, is hereby amended by striking
16 out, in line 31, the words “, except glaucoma”.

17 SECTION 7. Said chapter 112 is hereby further amended by inserting after section 66B the
18 following section:-

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

31 (b) If an optometrist, during the course of examining or treating a patient with the aid of a
32 diagnostic or therapeutic pharmaceutical agent, exercising professional judgment and the degree
33 of expertise, care and knowledge ordinarily possessed and exercised by optometrists under like

34 circumstances, determines the existence of the signs of previously unevaluated disease that
35 requires treatment not included in the scope of optometric practice under section 66, the
36 optometrist shall refer the patient to a licensed physician or other qualified health care practitioner.

37 (c) If a patient exam results in a diagnosis of congenital glaucoma or if, during the course
38 of examining, managing or treating a patient with glaucoma, surgical treatment is indicated, an
39 optometrist shall refer that patient to a qualified health care provider for treatment.

40 (d) Optometrists licensed under this chapter shall participate in relevant state and federal
41 reports or data collection efforts relative to patient safety and medical error reduction coordinated
42 by the Betsy Lehman center for patient safety and medical error reduction established in section
43 15 of chapter 12C.

44 SECTION 8. Said chapter 112 is hereby further amended by inserting after section 68B the
45 following section:-

46 Section 68C. (a) The board shall administer an examination to permit the utilization and
47 prescription of therapeutic pharmaceutical agents as authorized under section 66C. The
48 examination shall: (i) be held in conjunction with examinations provided in sections 68 to 68B,
49 inclusive; and (ii) include any portion of the examination administered by the National Board of
50 Examiners in Optometry or other appropriate examinations covering the subject matter of
51 therapeutic pharmaceutical agents as authorized under said section 66C. The board may administer
52 a single examination to measure the qualifications necessary under this section and said sections
53 68 to 68B, inclusive. The board shall qualify optometrists to use and prescribe therapeutic
54 pharmaceutical agents in accordance with this section and said sections 68 to 68B, inclusive. An
55 applicant that presents satisfactory evidence of graduating from a school or college of optometry

56 approved by the board subsequent to January 1, 2013 shall have satisfied the requirements of this
57 section and said sections 68 to 68B, inclusive.

58 (b) Examination for the utilization and prescription of therapeutic pharmaceutical agents
59 placed under schedules III, IV, V and VI by the commissioner pursuant to section 2 of chapter 94C
60 and described under section 66C shall, upon application, be open to an optometrist registered under
61 section 68, section 68A or section 68B and to any person who meets the qualifications for
62 examination under said sections 68, 68A and 68B. An applicant registered as an optometrist under
63 said section 68, section 68A or section 68B shall: (i) be registered pursuant to paragraph (h) of
64 section 7 of chapter 94C to use or prescribe pharmaceutical agents for the purpose of diagnosing
65 or treating glaucoma and other ocular abnormalities of the human eye and adjacent tissue;; and (ii)
66 furnish to the board evidence of the satisfactory completion of 40 hours of didactic education and
67 20 hours of supervised clinical education relating to the utilization and prescription of therapeutic
68 pharmaceutical agents authorized under said section 66C. The education shall: (i) be administered
69 by the Massachusetts Society of Optometrists, Inc.; (ii) be accredited by a college of optometry or
70 medicine; and (iii) meet the guidelines and requirements of the board. The board shall provide to
71 the department of public health and each successful applicant a certificate of qualification in the
72 utilization and prescription of all therapeutic pharmaceutical agents as authorized under said
73 section 66C.

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

79 the human eye and adjacent tissue may submit evidence to the board of equivalent didactic and
80 supervised clinical education in order to satisfy all of the requirements in this section.

81 (d) A licensed optometrist who has completed a post-graduate residency program approved
82 by the Accreditation Council on Optometric Education after July 31, 1997 may submit an affidavit
83 to the board from the licensed optometrist's residency supervisor or the director of residencies at
84 the affiliated college of optometry attesting that an equivalent level of instruction and supervision
85 was completed in order to satisfy the requirements of this section.

86 (e) As a condition of license renewal, an optometrist licensed under this section shall
87 submit to the board evidence attesting to the completion of 3 hours of continuing education
88 specific to glaucoma.

89 SECTION 9. Not more than 90 days after the effective date of this act, the department of
90 public health and the board of registration in optometry shall promulgate the rules and
91 regulations required by sections 7 and 9 of chapter 94C of the General Laws and sections 66C
92 and 68C of chapter 112 of the General Laws.