HOUSE DOCKET, NO. 2293 FILED ON: 1/20/2011

HOUSE . . . . . No. 2357

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 passage of the accompanying:

An Act Relative to Optometrists..

PETITION OF:

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

Ryan C. Fattman	*18th Worcester*
Sheila C. Harrington	*1st Middlesex*
John D. Keenan	*7th Essex*
James M. Murphy	*4th Norfolk*
Nicholas A. Boldyga	*3rd Hampden*
Thomas A. Golden, Jr.	*16th Middlesex*
Steven L. Levy	*4th Middlesex*
David T. Vieira	*3rd Barnstable*
Joseph F. Wagner	*8th Hampden*
David M. Torrisi	*14th Essex*
Paul K. Frost	*7th Worcester*
Sarah K. Peake	*4th Barnstable*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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HOUSE . . . . . No. 2357

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.

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

The Commonwealth of Massachusetts

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:

SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 244, the words “sections 66 and 66B” and inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and 66C.

SECTION 2. Section 7 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 191, the words “sections 66 and 66B” and inserting in place thereof the following words:— either sections 66 and 66B or sections 66 and 66C.

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

SECTION 4. Said section 9 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word “podiatrist”, in line 70, the following word:— , optometrist,.

SECTION 5. Section 66 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word “utilization”, in line 7, the 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 epi1nephrine, adrenalin, or other agents
38 used in the percutaneous treatment of anaphylaxis.

39 Nothing in this section shall be construed 17 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 31 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.”.