

House Bill 235

By: Representatives Ehrhart of the 36th and Meadows of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to
2 optometrists, so as to revise the definition of optometry; to remove the exemption for
3 continuing education requirements for persons practicing optometry who are 65 years of age
4 or older; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists,
8 is amended in Code Section 43-30-1, relating to definitions, by revising paragraph (2) as
9 follows:

10 "(2)(A) 'Optometry' means the art and science of visual care and is declared to be a
11 learned profession. The practice of optometry consists of the diagnosis and
12 interpretation of the visual behavior of the human organism by the employment of any
13 means other than surgery. The practice of optometry further consists of the correction
14 of visual anomalies through the prescribing, employment, and use of lenses, prisms,
15 frames, mountings, contact lenses, orthoptic exercises, and visual training, light
16 frequencies, and any other means or methods for the relief, correction, or remedy of any
17 insufficiencies or abnormal conditions of the human visual organism, other than
18 surgery. Optometrists are prohibited from using nondiagnostic lasers. Nothing in this
19 chapter shall prohibit the use, administration, or prescription of pharmaceutical agents
20 for diagnostic purposes and treatment of ocular disease in the practice of optometry by
21 optometrists who have received pharmacological training and certification from a
22 properly accredited institution of higher learning and who are certified by the board to
23 use any appropriate pharmaceutical agents for ~~diagnostic and treatment purposes~~ the
24 diagnosis or treatment of diseases and conditions of the eye and adnexa oculi except
25 Schedule I or Schedule II controlled substances, except hydrocodone as provided for
26 in division (i) of subparagraph (D) of this paragraph. Only a doctor of optometry who:

- 27 (i) Is already certified for using pharmaceutical agents for diagnostic purposes;
 28 (ii) Has passed or passes an examination approved by the board which tests
 29 knowledge of pharmacology for treatment and management of ocular diseases;
 30 (iii) Is certified in coronary pulmonary resuscitation (CPR); and
 31 (iv) Maintains at least \$1 million in malpractice insurance coverage

32 shall be certified to use pharmaceutical agents for treatment purposes.

33 (B) The board shall establish by rule a list, which may be modified from time to time,
 34 of pharmaceutical agents which optometrists shall be allowed to use for treatment
 35 purposes.

36 (C) A doctor of optometry shall not administer any pharmaceutical agent by injection.

37 (D) Pharmaceutical agents which are used by a doctor of optometry for treatment
 38 purposes of pain and administered orally may only be:

39 (i) ~~(F)~~ Nonnarcotic oral analgesics and hydrocodone and Schedule III or Schedule IV
 40 controlled substances which are oral analgesics;

41 ~~(H)~~(ii) Used for ocular pain; and

42 ~~(HH)~~(iii) Used for no more than 72 hours without consultation with the patient's
 43 physician; ~~or~~

44 ~~(ii) Oral and topical antibiotics, antivirals, topical steroids, antifungals,~~
 45 ~~antihistamines, or antiglaucoma agents related to the diagnosis or treatment of~~
 46 ~~diseases and conditions of the eye and adnexa oculi except Schedule I or Schedule II~~
 47 ~~controlled substances.~~

48 ~~(E)~~ Doctors of optometry using ~~such oral and topical~~ pharmaceutical agents shall be
 49 held to the same standard of care imposed by Code Section 51-1-27 as would be applied
 50 to a physician licensed under Chapter 34 of this title performing similar acts; provided,
 51 however, that a doctor of optometry shall not be authorized to treat systemic diseases.

52 ~~(E)~~(F) Pharmaceutical agents which are used by a doctor of optometry for treatment
 53 purposes and administered topically shall be subject to the following conditions only
 54 when used for the treatment of glaucoma:

55 (i) If the pharmaceutical agent is a beta blocker, an optometrist certified to use
 56 pharmaceutical agents for treatment purposes must take a complete case history and
 57 determine whether the patient has had a physical examination within the past year.
 58 If the patient has not had such a physical examination or if the patient has any history
 59 of congestive heart failure, bradycardia, heart block, asthma, or chronic obstructive
 60 pulmonary disease, that patient must be referred to a person licensed under Chapter
 61 34 of this title for examination prior to initiating beta blocker therapy;

62 (ii) If the glaucoma patient does not respond to the topically administered
 63 pharmaceutical agents after 60 days of treatment, that patient must be referred to an
 64 ophthalmologist; and

65 (iii) If the patient is diagnosed as having closed angle glaucoma, the patient shall be
 66 immediately referred to an ophthalmologist.

67 ~~(F)~~(G) Doctors of optometry using pharmaceutical agents for treatment purposes shall
 68 be held to the same standard of care imposed by Code Section 51-1-27 as would be
 69 applied to a physician licensed under Chapter 34 of this title performing similar acts.

70 ~~(G)~~(H) Any doctor of optometry who uses a pharmaceutical agent, except under the
 71 conditions specified therefor by this chapter and any other law, shall be guilty of a
 72 misdemeanor unless a greater penalty is otherwise provided by law.

73 ~~(H)~~(I) Nothing in this chapter shall be construed to allow a doctor of optometry to
 74 dispense pharmaceutical agents to patients."

75 **SECTION 2.**

76 Said chapter is further amended in Code Section 43-30-8, relating to biennial registration,
 77 educational programs for optometrists, forfeiture of certificate upon failure to comply, and
 78 reinstatement of certificate, by revising subsection (b) as follows:

79 "(b) The board may approve educational programs to be held within or outside this state.
 80 The board shall approve only such educational programs as are available to all persons
 81 practicing optometry in the state on a reasonable nondiscriminatory fee basis. Any request
 82 for board approval of an educational program shall be submitted in a timely manner with
 83 due regard for the necessity of investigation and consideration by the board. The board may
 84 contract with institutions of higher learning, professional organizations, or qualified
 85 individuals for the providing of programs that meet this requirement; and such programs
 86 shall be self-sustaining by the individual fees set and collected by the provider of the
 87 program. The minimum number of hours of continuing education required shall be fixed
 88 by the board by February 1 of each calendar year. In no instance may the board require a
 89 greater number of hours of study than are available at approved courses held within the
 90 state; and the board is authorized to waive this requirement in cases of certified illness or
 91 undue hardship. ~~Continuing education requirements fixed by the board pursuant to this~~
 92 ~~chapter shall not apply to persons practicing optometry who are 65 or more years of age."~~

93 **SECTION 3.**

94 All laws and parts of laws in conflict with this Act are repealed.