

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 139**

(As Passed the Senate October 9, 1997)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17401 and 17432 (MCL 333.17401 and
333.17432), as amended by 1994 PA 384.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17401. (1) As used in this part:

2 (a) "Optometrist" means an individual licensed under this
3 article to engage in the practice of optometry.

4 (b) "Practice of optometry" means 1 or more of the follow-
5 ing, but does not include the performance of invasive
6 procedures:

7 (i) The examination of the human eye to ascertain the pres-
8 ence of defects or abnormal conditions which may be corrected,
9 remedied, or relieved, or the effects of which may be corrected,

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1 remedied, or relieved by the use of lenses, prisms, or other
2 mechanical devices.

3 (ii) The employment of objective or subjective physical
4 means to determine the accommodative or refractive conditions or
5 the range of powers of vision or muscular equilibrium of the
6 human eye.

7 (iii) The adaptation or the adjustment of the lenses or
8 prisms or the use of therapeutic pharmaceutical agents to cor-
9 rect, remedy, or relieve a defect or abnormal condition or to
10 correct, remedy, or relieve the effect of a defect or abnormal
11 condition of the human eye.

12 (iv) The examination of the human eye for contact lenses and
13 the fitting or insertion of contact lenses to the human eye.

14 (v) The employment of objective or subjective means, includ-
15 ing diagnostic pharmaceutical agents by an optometrist who meets
16 the requirements of section 17412, for the examination of the
17 human eye for the purpose of ascertaining a departure from the
18 normal, measuring of powers of vision, and adapting lenses for
19 the aid thereof.

20 (c) "Diagnostic pharmaceutical agent" means:

21 (i) The following commercially prepared topical anesthetic:
22 Proparacaine HCL 0.5%.

23 (ii) The following commercially prepared
24 cycloplegic/mydriatic: Tropicamide in strength not greater than
25 1%.

26 (d) "Therapeutic pharmaceutical agent" means ~~a~~ 1 OR MORE
27 OF THE FOLLOWING:

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1 (i) A topically administered prescription drug or other
2 topically administered drug used for the purpose of correcting,
3 remedying, or relieving a defect or abnormal condition of the
4 anterior segment of the human eye or for the purpose of correct-
5 ing, remedying, or relieving the effects of a defect or abnormal
6 condition of the anterior segment of the human eye.

7 (ii) A TOPICALLY ADMINISTERED ANTIGLAUCOMA DRUG.

8 (e) "Drug" means that term as defined in section 17703, but
9 does not include a controlled substance as defined in section
10 7104 or a prescription drug.

11 (f) "Prescription drug" means that term as defined in
12 section 17708, but does not include a controlled substance as
13 defined in section 7104.

14 (g) "Physician" means that term as defined in section 17001
15 or 17501.

16 (h) "Invasive procedures" means all of the following:

17 (i) The use of lasers other than for observation.

18 (ii) The use of ionizing radiation.

19 (iii) The use of therapeutic ultrasound.

20 (iv) The administration of medication by injection.

21 (v) Procedures that include an incision.

22 (2) In addition to the definitions in this part, article 1
23 contains general definitions and principles of construction
24 applicable to all articles in this code and part 161 contains
25 definitions applicable to this part.

26 Sec. 17432. (1) Whether or not diagnostic pharmaceutical
27 agents or therapeutic pharmaceutical agents have been used, if an

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1 optometrist determines from interviewing or examining a patient,
2 using judgment and that degree of skill, care, knowledge, and
3 attention ordinarily possessed and exercised by optometrists in
4 good standing under like circumstances, that there are present in
5 that patient signs or symptoms that may be evidence of disease
6 that the optometrist is not authorized to treat under this part,
7 then the optometrist shall do both of the following:

8 (a) Promptly advise that patient to seek evaluation by an
9 appropriate physician for diagnosis and possible treatment.

10 (b) Not attempt to treat the condition by the use of diag-
11 nostic pharmaceutical agents, therapeutic pharmaceutical agents,
12 or any other means.

13 (2) ~~if~~ SUBJECT TO SUBSECTIONS (3) AND (4), IF an optome-
14 trist treats a patient for a condition or disease that the optom-
15 etrist is authorized to treat under this part, and if that condi-
16 tion or disease may be related to a nonlocalized or systemic con-
17 dition or disease or does not demonstrate adequate clinical
18 progress as a result of treatment, the optometrist shall consult
19 an appropriate physician for further diagnosis and possible
20 treatment and to determine if the condition or disease is related
21 to a nonlocalized or systemic condition or disease.

22 (3) WHEN A DIAGNOSIS OF GLAUCOMA IS SUSPECTED, THE OPTOME-
23 TRIST SHALL CONSULT AN OPHTHALMOLOGIST FOR A CO-MANAGEMENT CON-
24 SULTATION IN ORDER TO MUTUALLY AGREE ON THE DIAGNOSIS AND INITIAL
25 TREATMENT PLAN. IF THE RESULTS OF TREATMENT DO NOT MEET OR
26 EXCEED THE TREATMENT TARGET GOALS WITHIN A TIME FRAME CURRENTLY
27 ACCEPTED AS MEDICAL STANDARD OF CARE IN THE TREATMENT AND

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1 MANAGEMENT OF GLAUCOMA, THE OPTOMETRIST SHALL FURTHER CONSULT
2 WITH AN OPHTHALMOLOGIST REGARDING FURTHER DIAGNOSIS AND POSSIBLE
3 TREATMENT.

4 (4) IF AN OPTOMETRIST DIAGNOSES THAT A PATIENT HAS ACUTE
5 GLAUCOMA, THE OPTOMETRIST SHALL, AS SOON AS POSSIBLE, CONSULT A
6 PHYSICIAN FOR FURTHER DIAGNOSIS AND POSSIBLE TREATMENT.