

SENATE CS FOR CS FOR HOUSE BILL NO. 113(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/10/07

Referred: Finance

Sponsor(s): REPRESENTATIVES SAMUELS, Thomas, Kawasaki, Gruenberg, LeDoux, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the prescription and use of pharmaceutical agents, including
2 controlled substances, by optometrists; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.72.175(a) is amended to read:

5 (a) The board may issue a license endorsement authorizing a licensee to
6 prescribe and use the pharmaceutical agents described in AS 08.72.272(a), if the
7 licensee or applicant for a license **has successfully completed**

8 **(1)** [PASSES] the written and practical portions of an examination on
9 ocular pharmacology, approved by the board, that tests the licensee's or the applicant's
10 knowledge of the characteristics, pharmacological effects, indications,
11 contraindications, and emergency care associated with the prescription and use of
12 pharmaceutical agents;

13 **(2)** **a nontopical therapeutic pharmaceutical agent course of at**
14 **least 23 hours approved by the board or an examination approved by the board**

1 **on the treatment and management of ocular disease; and**

2 **(3) an optometry and nontopical therapeutic pharmaceutical agent**
 3 **injection course of at least seven hours approved by the board or equivalent**
 4 **training acceptable to the board** [. THE ENDORSEMENT EXPIRES AT THE
 5 SAME TIME AS THE LICENSE TO WHICH IT ATTACHES. THE
 6 ENDORSEMENT MAY BE RENEWED UPON SATISFACTORY COMPLETION
 7 OF CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE
 8 BOARD BY REGULATION].

9 * **Sec. 2.** AS 08.72.175 is amended by adding a new subsection to read:

10 (d) A license endorsement issued under (a) of this section expires at the same
 11 time as the license to which it attaches. Renewal of the endorsement may not be
 12 granted unless, in the four years preceding the application for renewal, the licensee has
 13 successfully

14 (1) completed eight hours of continuing education approved by the
 15 board concerning the use and prescription of pharmaceutical agents;

16 (2) completed seven hours of continuing education approved by the
 17 board concerning the injection of nontopical therapeutic pharmaceutical agents; and

18 (3) met other requirements the board considers necessary to ensure the
 19 continued protection of the public.

20 * **Sec. 3.** AS 08.72.272(a) is amended to read:

21 (a) A licensee **with an endorsement issued under AS 08.72.175(a)** may
 22 prescribe and use a pharmaceutical agent, **including a controlled substance,** in the
 23 practice of optometry if

24 (1) the pharmaceutical agent

25 **(A) is prescribed and used for the treatment of ocular**
 26 **disease or conditions, ocular adnexal disease or conditions, or emergency**
 27 **anaphylaxis;**

28 **(B) is not a schedule IA, IIA, or VIA controlled substance;**

29 **(C) is prescribed in a quantity that does not exceed four**
 30 **days of prescribed use if it is a controlled substance;**

31 **(D) is not injected, unless the injection is for emergency**

1 **anaphylaxis and is not injected into the ocular globe of the eye; and**

2 **(E) is not a derivative of clostridium botulinum** [IS A
3 DRUG TOPICALLY APPLIED TO THE HUMAN EYE AND ITS
4 APPENDAGES]; and

5 (2) the **licensee**

6 **(A) has a physician-patient relationship, as defined by the**
7 **board in regulations adopted under this chapter, with the person to whom**
8 **the pharmaceutical agent is prescribed; and**

9 **(B) has on file with the department the licensee's current**
10 **federal Drug Enforcement Administration registration number that is**
11 **valid for the controlled substance prescribed or used** [PERSON HOLDS A
12 LICENSE ENDORSEMENT ISSUED BY THE BOARD AUTHORIZING
13 THE PRESCRIPTION AND USE OF PHARMACEUTICAL AGENTS].

14 * **Sec. 4.** AS 08.72.272(a), as amended by sec. 3 of this Act, is amended to read:

15 (a) A licensee with an endorsement issued under AS 08.72.175(a) may
16 prescribe and use a pharmaceutical agent, including a controlled substance, in the
17 practice of optometry if

18 (1) the pharmaceutical agent

19 (A) is prescribed and used for the treatment of ocular disease or
20 conditions, ocular adnexal disease or conditions, or emergency anaphylaxis;

21 (B) is not a schedule IA, IIA, or VIA controlled substance;

22 (C) is prescribed in a quantity that does not exceed four days of
23 prescribed use if it is a controlled substance;

24 (D) is not injected [, UNLESS THE INJECTION IS FOR
25 EMERGENCY ANAPHYLAXIS AND IS NOT INJECTED] into the ocular
26 globe of the eye; and

27 (E) is not a derivative of clostridium botulinum; and

28 (2) the licensee

29 (A) has a physician-patient relationship, as defined by the
30 board in regulations adopted under this chapter, with the person to whom the
31 pharmaceutical agent is prescribed; and

1 (B) has on file with the department the licensee's current
 2 federal Drug Enforcement Administration registration number that is valid for
 3 the controlled substance prescribed or used.

4 * **Sec. 5.** AS 08.72.272(c) is amended to read:

5 (c) A licensee may use a pharmaceutical agent in the practice of optometry if

6 (1) the pharmaceutical agent is a drug topically applied to the human
 7 eye and its appendages; and

8 (2) the person holds a license endorsement issued by the board **under**
 9 **AS 08.72.175(c)** authorizing the use of the pharmaceutical agent **under this**
 10 **subsection.**

11 * **Sec. 6.** AS 08.72.272 is amended by adding a new subsection to read:

12 (d) In this section, "controlled substance" has the meaning given in
 13 AS 11.71.900.

14 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 TRANSITION. (a) A license endorsement issued under AS 08.72.175(a) before the
 17 effective date of this section continues in effect for the term issued unless revoked or
 18 suspended by the Board of Examiners in Optometry.

19 (b) The changes made by this Act to AS 08.72.175 and 08.72.272(a) by secs. 1 - 3, 5,
 20 and 6 of this Act do not affect the scope of practice allowed under a license endorsement
 21 issued under AS 08.72.175(a) before the effective date of this section.

22 (c) A license endorsement issued under AS 08.72.175(a) before the effective date of
 23 this section may not be renewed on or after the effective date of this section.

24 * **Sec. 8.** Section 4 of this Act takes effect January 1, 2009.