

Introduced: 2/23/83
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY HURLBERT

2

HOUSE BILL NO. 225

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the practice of optometry and
7 authorizing the use of prescription drugs by optome-
8 trists."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 08.64.170(a) is amended by adding a new paragraph to
11 read:

12 (4) a person licensed under AS 08.72 may use and prescribe
13 legend drugs, as defined in AS 08.72.300, if the person's license is
14 endorsed by the board of examiners in optometry as provided in
15 AS 08.72.

16 * Sec. 2. AS 08.72 is amended by adding a new section to read:

17 Sec. 08.72.277. USE OR PRESCRIPTION OF LEGEND DRUGS. (a) The
18 board shall, in consultation with optometric educational institutions
19 and professional accrediting bodies, identify and approve by regula-
20 tion those undergraduate and postgraduate training programs which
21 qualify doctors of optometry to use and prescribe legend drugs in the
22 diagnosis and treatment of conditions of the eyes and eyelids. In
23 addition, continuing education programs shall be identified and
24 approved by the board.

25 (b) A licensee may not use or prescribe drugs other than legend
26 drugs and may not use or prescribe a legend drug under this chapter
27 without a license endorsement issued by the board, certifying suc-
28 cessful completion of a training program approved by the board under
29 (a) of this section.

1 (c) An endorsement under (b) of this section shall expire with
2 the license to which it attaches and may be renewed upon evidence of
3 satisfactory completion of a continuing education program specified
4 and approved by the board for holders of this type of endorsement
5 under (a) of this section.

6 (d) The board shall adopt regulations concerning the use or
7 prescription of legend drugs and may revoke or suspend a license
8 endorsement for their use and prescription for violation of the regu-
9 lations.

10 (e) The board shall furnish to the board of pharmacy the names
11 of all holders of endorsements issued under this section.

12 * Sec. 3. AS 08.72.300(2) is amended to read:

13 (2) "optometry" is the examination [, OTHER THAN BY THE USE
14 OF DRUGS,] of the human eyes and the visual system for the purpose of
15 ascertaining a departure from the normal, ascertaining the status of
16 the human visual system, including refractive and functional abili-
17 ties, or ascertaining the presence of ocular disease and any other
18 departure from the normal which requires referral to other health care
19 practitioners; or the diagnosis of an optical deficiency or deformity,
20 visual or muscular anomaly of the human eye; or the diagnosis and
21 treatment, including the use of drugs, of inflammations, infections,
22 and injuries of the eyes and eyelids; [,] or the prescription or
23 application of lenses, prisms or ocular exercises for the correction
24 or relief of the human eye;

25 * Sec. 4. AS 08.72.300(3) is amended to read:

26 (3) "practicing optometry" is an examination [, OTHER THAN
27 BY THE USE OF DRUGS,] of the human eyes and visual system for the
28 purpose of ascertaining a departure from the normal, ascertaining the
29 status of the human visual system, including refractive and functional

1 abilities, or ascertaining the presence of ocular disease and any
2 other departure from the normal which requires referral to other
3 health care practitioners; or the diagnosis of an optical deficiency
4 or deformity, visual or muscular anomaly of the human eye; or the
5 diagnosis and treatment, including the use of drugs, of inflammations,
6 infections and injuries of the eyes and eyelids; [,] or the prescrip-
7 tion or application of lenses, prisms or ocular exercises for the
8 correction or relief of the human eye; [,] or the holding of oneself
9 out as being able to do so;

10 * Sec. 5. AS 08.72.300 is amended by adding a new paragraph to read:

11 (7) "legend drugs" means drugs whose containers must bear a
12 label prohibiting dispensing without a prescription.

13 * Sec. 6. AS 08.64.360 is amended to read:

14 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN
15 VIOLATION OF CHAPTER. Except for a physician assistant, an
16 optometrist, and a physician-trained mobile intensive care paramedic
17 under AS 08.64.170, a person practicing medicine or osteopathy in the
18 state without obtaining and filing an appropriate license is guilty of
19 a misdemeanor and upon conviction is punishable by a fine of not less
20 than \$50 nor more than \$100, or by imprisonment for not less than 10
21 days nor more than 90 days, or by both. Evidence that the defendant
22 has failed to file a license with the clerk of the court is prima
23 facie evidence that the defendant is not licensed. Each day of
24 illegal practice is a separate offense.