

Introduced: 3/21/83
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY JOSEPHSON

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SENATE BILL NO. 189

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the practice of optometry and

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authorizing the use of prescription drugs by optome-

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trists."

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

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

11 read:

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(4) a person licensed under AS 08.72 may use and prescribe

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legend drugs, as defined in AS 08.72.300, if the person's license is

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endorsed by the board of examiners in optometry as provided in

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AS 08.72.

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

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Sec. 08.72.277. USE OR PRESCRIPTION OF LEGEND DRUGS. (a) The

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board shall, in consultation with optometric educational institutions

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and professional accrediting bodies, identify and approve by regula-

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tion those undergraduate and postgraduate training programs which

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qualify doctors of optometry to use and prescribe legend drugs in the

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diagnosis and treatment of conditions of the eyes and eyelids. In

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addition, continuing education programs shall be identified and

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approved by the board.

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(b) A licensee may not use or prescribe drugs other than legend

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drugs and may not use or prescribe a legend drug under this chapter

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without a license endorsement issued by the board, certifying suc-

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cessful completion of a training program approved by the board under

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(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.