

COMMITTEE REPORT

SENATE

2/3/81

FURTHER:

Judiciary

Date: _____

Mr. President:

HEALTH, EDUCATION AND

The Committee on SOCIAL SERVICES has had SB 136

practice of optometry

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with CS for SB 136 (Here) and recommends I do pass

[X] same title [] new title

[] AND attaches a "Letter of Intent" [X] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

1 [Signature]
1 [Signature]
1 [Signature]
1 [Signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

1 [Signature]
CHAIRMAN

Original sponsor: Health, Education and
Social Services Committee

Offered: 4/9/81
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

8 * Section 1. AS 08.72.050 is amended by adding a new paragraph to read:

9 (6) prescribing educational requirements which a person
10 licensed under this chapter must meet to obtain an endorsement to his
11 license authorizing him to use diagnostic drugs and prescribe require-
12 ments for continuing education in the use of diagnostic drugs.

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

14 Sec. 08.72.061. BOARD ENDORSEMENT OF DRUGS. (a) A person
15 licensed under this chapter may use a diagnostic drug of a strength
16 permitted by regulation of the Department of Health and Social Services
17 if

18 (1) he has satisfied educational requirements established by
19 the board dealing with the use of diagnostic drugs; and

20 (2) he has received an endorsement by the board to his
21 license authorizing him to use diagnostic drugs.

22 (b) An endorsement to a license authorizing the use of diagnostic
23 drugs by an optometrist shall lapse unless the optometrist satisfies
24 requirements established by the board for continuing education in the
25 use of diagnostic drugs.

26 * Sec. 3. AS 08.72 is amended by adding new sections to read:

27 Sec. 08.72.284. USE OF PROFESSIONAL TITLE. A person licensed
28 under this chapter may not in writing use the title "Dr." or "Doctor"
29 as a prefix to his name without using "optometrist" as a suffix to his

1 name or in connection with the title. The board may revoke or suspend
2 the license of a person who violates this section.

3 Sec. 08.72.286. REFERRAL TO OTHER MEDICAL SPECIALISTS. If,
4 during an examination of a patient or following an examination of a
5 patient, a licensed optometrist ascertains the possible existence of a
6 pathological condition, the optometrist shall notify the patient and
7 refer the patient to a health care practitioner for further evaluation.
8 The board may revoke or suspend the license of a person who violates
9 this section.

10 * Sec. 4. Sec. 08.72.280 is amended by adding a new subsection to read:

11 (b) A person may not use a drug in the practice of optometry
12 unless authorized under AS 08.72.061.

13 * Sec. 5. AS 08.72.300(2) is amended to read:

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

24 * Sec. 6. AS 08.72.300(3) is amended to read:

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

1 departure from the normal which requires referral to other health care
2 practitioners; or the diagnosis of an optical deficiency or deformity,
3 visual or muscular anomaly of the human eye; [,] or the prescription of
4 lenses, prisms or ocular exercises for the correction or relief of the
5 human eye; [,] or the holding of oneself out as being able to do so;

6 * Sec. 7. AS 08.72.300 is amended by adding a new subsection to read:

7 (7) "diagnostic drug" means a cycloplegic, mydriatic, or
8 topical anesthetic which is listed in the official United States Phar-
9 macopoeia or a supplement to it, or in the official National Formulary
10 or a supplement to it.

11 * Sec. 8. AS 08.72 is amended by adding a new section to read:

12 ARTICLE 5. MISCELLANEOUS PROVISIONS.

13 Sec. 08.72.350. DISPENSING CERTAIN DRUGS TO OPTOMETRISTS. Not-
14 withstanding other provisions of law, a cycloplegic, mydriatic, or
15 topical anesthetic listed in the official United States Pharmacopoeia
16 or a supplement to it, or in the official National Formulary or a
17 supplement to it may be dispensed to an optometrist if he has an
18 endorsement to his license in accordance with AS 08.72.272 authorizing
19 the use of diagnostic drugs. The Department of Health and Social
20 Services shall establish by regulation the maximum strength of a diag-
21 nostic drug identified under AS 08.72.300(7) which may be used in the
22 practice of optometry.
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Introduced: 2/3/81
Referred: Health, Education &
Social Services and Judiciary

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH 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 ophthalmic drugs by optome-
8 trists."

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15 or ascertaining the presence of ocular disease and any other departure
16 from the normal which may require [REQUIRES] referral to other health
17 care practitioners; or the diagnosis of an optical deficiency or de-
18 formity, visual or muscular anomaly of the human eye; [,] or the pre-
19 scription or application of lenses, prisms or ocular exercises, or other
20 procedures taught by schools and colleges of optometry for the correc-
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22 * Sec. 2. AS 08.72.300(3) is amended to read:

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27 abilities, or ascertaining the presence of ocular disease and any other
28 departure from the normal which may require [REQUIRES] referral to
29 other health care practitioners; or the diagnosis of an optical defi-

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3 cises, or other procedures taught by schools and colleges of optometry
4 for the correction or relief of the human eye; [,] or the holding of
5 oneself out as being able to do so;

6 * Sec. 3. AS 08.72 is amended by adding a new section to read:

7 Sec. 08.72.277. USE OF DRUGS. A person may not use a drug in the
8 practice of optometry, except that a person licensed under this chapter
9 may use an ophthalmic drug if

10 (1) the drug has been identified as an ophthalmic drug by
11 regulation of the board;

12 (2) he has completed courses and clinical experience in the
13 use of ophthalmic drugs approved by the board and offered by a recog-
14 nized school or college of optometry, and has passed a test given by
15 the school or college in the use of ophthalmic drugs;

16 (3) he has passed an examination on the pharmacology of
17 ophthalmic drugs given by the board; and

18 (4) he has received an endorsement by the board to his
19 registration certificate authorizing him to use ophthalmic drugs and
20 specifying restrictions on their use, if any.

21 * Sec. 4. AS 17.15.010 is amended by adding a new subsection to read:

22 (b) Notwithstanding (a) of this section, an ophthalmic drug
23 identified by regulation of the board of Examiners in Optometry may be
24 sold, given away, bartered, exchanged, or distributed upon the written
25 order or prescription of an optometrist who is authorized to use the
26 drug as provided in AS 08.72.277.

27 * Sec. 5. AS 17.15.020 is amended by adding a new subsection to read:

28 (b) AS 17.15.010 and 17.15.020 do not apply to the sale at whole-
29 sale by drug jobbers, drug wholesalers and drug manufacturers, or at

1 retail in a pharmacy by a pharmacist, of an ophthalmic drug identified
2 by regulation of the Board of Examiners in Optometry to an optometrist
3 who is authorized to use the drug as provided in AS 08.72.277. AS 17.-
4 15.010 and 17.15.020 do not apply to the sale of an ophthalmic drug
5 identified by regulation of the Board of Examiners in Optometry by one
6 optometrist authorized to use the ophthalmic drug to another optometrist
7 authorized to use the drug.
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CONFIDENTIAL COPY

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for Senate Bill No. 136 (HESS)
 Title "An Act relating to the practice of optometry and authorizing the use of ophthalmic
 Requested by Commissioner's Office Date 4/7/81
drugs by optometrists."

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected Public Health/Division of Public Health
 BRU, Program, or Subprogram(s) Affected Family Health Administration
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	1.5	0	0	0	0
300 CONTRACTUAL	0	19.2	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL		20.7				

FUNDING (Thousands of Dollars)

GENERAL FUND	0	20.7	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

line 300 - The Department of Law advised us to use a sum of \$80/hr. for a contract attorney.

$$\$80/\text{hr.} \times 40 \text{ hr./wk.} \times 6 \text{ wk.} = \$19,200.$$

The funding is to provide for contracting with a private attorney to draft the proposed regulation. As part of the process, the contract attorney will work in conjunction with designated representatives from the fields of optometry and ophthalmology. We will fund the travel and per diem at state rates for the individuals to come to Juneau. After the proposed regulations are drafted, they will be handled as per the "Drafting Manual for Administrative Regulations" with public hearings to be held at key locations around the state.

IV. DATE 4/7/81 PREPARED BY David Bruce
 AGENCY Department of Health and Social Services
 PHONE 465-3090
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval M. Hubbard Date 4/8/81

ALASKA STATE LEGISLATURE

TWELFTH Legislature .. FIRST Session

SENATE ... BILL NO. 136...

By ... THE HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE

"An Act relating to the practice of optometry, and authorizing the use of ophthalmic drugs by optometrists."

Introduced in the Senate ... 2/3/... 19... 81

HISTORY IN THE SENATE

19	81	Read first time and referred to Committee on
2	3	HESS and Judiciary
4	9	Reported back with <i>HESS</i> recommendation that <i>replace w/pos, new title and by rate 5 dollars to 10</i>
4	10	<i>Just wanted to see</i>
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by President
		Sent to House
SECRETARY OF THE SENATE		

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
CHIEF CLERK OF THE HOUSE		

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 136 (Finance)
 Title An Act relating to the practice of optometry; and providing for an effective date.
 Requested by Senate Finance Committee Date 6-1-81

II. FISCAL DETAIL
 Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; admin & boards
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	3.4	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	3.4	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	3.4	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL - FY'82 Only.

1 additional meeting of Board of Examiners in Optometry (5 members & 2 departmental support staff), to be held in conjunction with a scheduled State Medical Board meeting in order to formulate proposed list of generic drugs and continuing education requirements; 2 days in Anchorage 2,400.00

2 public hearings on proposed list of generic drugs and continuing education requirements; 2 board members and 1 departmental staff; 1 day each, Anchorage and Fairbanks 1,000.00

\$ 3,400.00

IV. DATE June 13, 1981 PREPARED BY Margie Odland, Regulations Specialist
 AGENCY Division of Occupational Licensing
 PHONE 465-2535
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsor: Health, Education and
Social Services Committee

Offered: 4/9/81
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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19 the board dealing with the use of diagnostic drugs; and

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22 (b) An endorsement to a license authorizing the use of diagnostic
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1 name or in connection with the title. The board may revoke or suspend
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21 nostic drug identified under AS 08.72.300(7) which may be used in the
22 practice of optometry.
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Introduced: 2/3/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 136

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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11 regulation of the board;

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13 use of ophthalmic drugs approved by the board and offered by a recog-
14 nized school or college of optometry, and has passed a test given by
15 the school or college in the use of ophthalmic drugs;

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17 ophthalmic drugs given by the board; and

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4 15.010 and 17.15.020 do not apply to the sale of an ophthalmic drug
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7 authorized to use the drug.
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STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

Document# ~~116-1~~

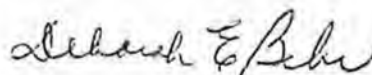
The Honorable Dick Eliason
Alaska State Senate
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Senator Eliason:

Attached please find the revised fiscal note that you requested on the draft committee substitute for SB 136 (Finance). The fiscal note was prepared by the Department of Commerce and Economic Development. You will note there is significant reduction in the figure requested over that attached to the Senate HESS Committee Substitute.

We appreciate the opportunity to assist you in this matter.

Sincerely,



Deborah E. Behr
Special Assistant

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSSB 136 (Finance)
 Title An Act relating to the practice of optometry; and providing for an effective date.
 Requested by Senate Finance Committee Date 6-1-81

II. FISCAL DETAIL
 Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions; admin & boards
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	3.4	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	3.4	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	3.4	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL - FY'82 Only.

1 additional meeting of Board of Examiners in Optometry (5 members & 2 departmental support staff), to be held in conjunction with a scheduled State Medical Board meeting in order to formulate proposed list of generic drugs and continuing education requirements; 2 days in Anchorage 2,400.00

2 public hearings on proposed list of generic drugs and continuing education requirements; 2 board members and 1 departmental staff; 1 day each, Anchorage and Fairbanks 1,000.00

\$ 3,400.00

IV. DATE June 13, 1981 PREPARED BY Margie Odland, Regulations Specialist
 AGENCY Division of Occupational Licensing
 Original: Legislative Finance PHONE 465-2535
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 136 (HESS)
 Title An Act relating to the practice of optometry.
 Requested by Senate HESS Committee Date 4-9-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact.

IV. DATE 4-23-81 PREPARED BY Marjorie Odland, Regulations Specialist
 AGENCY Division of Occupational Licensing
 PHONE 465-2535
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 136 (HESS)
Title "An Act relating to the practice of optometry and authorizing the use of ophthalmic
Requested by Commissioner's Office Date 4/7/81

drugs by optometrists."

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Public Health/Division of Public Health
BRU, Program, or Subprogram(s) Affected Family Health Administration
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	1.5	0	0	0	0
300 CONTRACTUAL	0	19.2	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL		20.7				

FUNDING (Thousands of Dollars)

GENERAL FUND	0	20.7	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

line 300 - The Department of Law advised us to use a sum of \$80/hr. for a contract attorney.

$$\$80/\text{hr.} \times 40 \text{ hr./wk.} \times 6 \text{ wk.} = \$19,200.$$

The funding is to provide for contracting with a private attorney to draft the proposed regulation. As part of the process, the contract attorney will work in conjunction with designated representatives from the fields of optometry and ophthalmology. We will fund the travel and per diem at state rates for the individuals to come to Juneau. After the proposed regulations are drafted, they will be handled as per the "Drafting Manual for Administrative Regulations" with public hearings to be held at key locations around the state.

IV. DATE 4/7/81 PREPARED BY David Bruce
AGENCY Department of Health and Social Services
PHONE 465-3090
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 4/8/81

POSITION PAPER

SENATE BILL NO. 136

"An Act relating to the practice of optometry, and authorizing the use of ophthalmic drugs by optometrists."

This bill would permit the use of selected drugs by certain optometrists and as such would delete from the definition of optometry the restriction against the use of drugs. All of these are drugs which are instilled directly into the eye.

In addition to topical anaesthetics, drugs used in examining the human eye include:

Mydriatics - cause pupil to open;

Myotics - cause pupil to close down;

Cycloplegics - cause temporary paralysis of the muscles controlling the shape of the lens.

A majority of states now allow optometrists to use diagnostic topical drugs, either through specific enabling legislation or through the lack of specific prohibitions. The issue of the use of such drugs by optometrists has been controversial. In recent years certain states have given permission while it has been denied in other states. Those in favor of the use of drugs by optometrists argue that optometric services are more widely distributed than ophthalmologic services and that the optometrist serves as an entry point for primary eye care. The use of diagnostic drugs is said to expand the ability of the optometrist to recognize eye abnormalities and to increase medical referral for diagnosis and treatment. The optometric group also states that the drugs which are proposed rarely have adverse effects.

Those opposing permissive legislation argue that the use of drugs would not materially improve the capacity of optometrists to recognize abnormalities. Optometrists are not expected to diagnose diseases of the eye, and if a departure from normal is noted, the patient is expected to be referred to a physician for diagnosis. The concern on the part of the medical community is that the optometrists would be making diagnostic judgments which the physicians do not believe them qualified to make. Moreover, the medical community notes that adverse reactions, while admittedly rare for certain of the drugs, can have extremely serious consequences when they do occur. A higher rate of predisposition to a certain type of glaucoma in Alaska Natives is cited. Use of mydriatics could possibly precipitate an attack.

Limitations are placed on the use of certain drugs by the permissive legislation of some states. None are described in the proposed Alaska bill. In Oregon, for example, the Board of Optometry is empowered to designate the diagnostic pharmaceutical agents for topical use, but provides that the designation shall be with the advice and guidance of

the Board of Medical Examiners for the State of Oregon. Rhode Island permits the use of mydriatics, miotics and topical anaesthetics while Maine permits only the use of topical anaesthetics and mydriatics. A bill which has been considered in the Ohio legislature specifically prohibits use of pilocarpine (a drug which constricts the pupil), atropine and homatropine (drugs which dilate the pupil and temporarily paralyze accommodation of the lens) and 10% phenylephrine (a strong mydriatic).

Some states define the type of training in pharmacology which would be required before an optometrist would be permitted to use diagnostic drugs. SB 136 contains such provisions.

If the Legislature chooses to authorize use of certain drugs by optometrists, the Department of Health and Social Services suggests that definitions and restrictions similar to those in use in other states may be advisable, and that the professional opinion of the medical and optometric communities should be sought to insure the health and safety of the general public.

Recommended by: David Bruce
David Bruce, Deputy Director

Date: February 19, 1981

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner

Date: 2-26-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 136
 Title "An Act relating to the practice of optometry, and authorizing the use of drugs..."
 Requested by Commissioner's Office Date February 26, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE February 26, 1981 PREPARED BY David Bruce
 AGENCY Division of Public Health
 PHONE 465-3090
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 136

Title An Act relating to the practice of optometry, and authorizing the use of ophthalmic

Requested by drugs by optometrists. Senate HESS Date 2-9-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation & Licensing of Professions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 2-9-81 PREPARED BY Mariorie Odland, Regulations Specialist
 AGENCY Division of Occupational Licensing
 Original: Legislative Finance PHONE 465-2535
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)