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HB 225 TITLE & SPONSOR SUMMARY

16:19 5/22/84 PAGE 1 OF 3

AMENDED TITLE: CSHB 225(HESS)

AN ACT RELATING TO THE PRACTICE OF OPTOMETRY AND AUTHORIZING
THE USE OF CERTAIN DRUGS BY OPTOMETRISTS

PRIME SPONSOR: MARTIN.

CO-SPONSORS:

CURRENT STATUS: 5/12/84 IN (S) LABOR & COM

HB 225 HOUSE ACTION

16:19 5/22/84 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/23/83	01	0327	FIRST READING -- COMMITTEE REPORTS
02/29/84	02	2753	HESS -- CS93, OTHER01
02/29/84	03	2753	HESS F/NOTE EQUALS ZERO
03/30/84	04	3143	SECOND READING
03/30/84	05	3143	HESS CS ADOPTED BY UNAN CONSENT
03/30/84	06	3144	ADVANCED TO 3RD READING BY UNAN CONSENT
03/30/84	07	3144	THIRD READING
03/30/84	08	3144	PASSED BY DIV 26-11-03
03/30/84	09	3144	NOTICE OF RECONSIDERATION GIVEN
04/02/84	10	3171	POSTPONED UNTIL 04/03/84 BY UNAN CONSENT
04/03/84	11	3191	POSTPONED UNTIL 04/04/84 BY UNAN CONSENT
04/04/84	15	3210	PASSED ON RECONSIDERATN BY DIV 26-10-04
04/04/84	12	3208	RETURNED 2ND READING BY DIV 22-14-04
04/04/84	13	3208	AM01 ADOPTED BY DIV 21-15-04
04/04/84	14	3209	FLD RETURN 2ND READING BY DIV 14-24-02

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HB 225 SENATE ACTION

16:19 5/22/84 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/05/84	16	2645	FIRST READING -- COMMITTEE REPORTS
05/12/84	17	3061	HESS -- CS92, NR01 LABOR & COMMERCE RULES

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SECTIONAL ANALYSIS FOR SENATE CS FOR CSHB 225 (HESS) - AN ACT RELATING TO OPTOMETRY AND AUTHORIZING THE USE OF CERTAIN DRUGS BY OPTOMETRISTS.

- SECTION 1 Amends the DUTIES of the MEDICAL BOARD to include assisting the board of optometry in the development of a list of diagnostic drugs for the use of optometrists with a license validation.
- SECTION 2 Amends the statute limiting those who may practice medicine in the state to include the use of diagnostic drugs by optometrists with a license validation.
- SECTION 3 Places on licensed physician on the Board of Optometry and specifies that the public member shall have no interest in optometry, medicine or opticianry.
- SECTION 4 Amends the optometry statute regarding adoption of regulations to include regulations on diagnostic drugs, and the educational requirements for a license validation to use drugs.
- SECTION 5 Adds to the POWERS AND DUTIES of the optometry board the development of a list of diagnostic drugs and their dosages to be used by optometrists with a license validation, to be done with the state medical board. The board must also provide for continuing education requirements and the development of a test concerning the use of diagnostic drugs.
- SECTION 6 Amends the REGISTRATION part of the optometry chapter to provide that an optometrist may not practice beyond the scope of training, with qualifications to be determined by the board.
- SECTION 7 Adds a new section to the optometry statute to require a medical referral by an optometrist who encounters a pathological condition in a patient.
- SECTION 8 Adds to the GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS for optometrists new subsections relating to practice beyond the scope of the license, use of drugs in violation of the chapter and use of the word Doctor in the title without optometry.
- SECTION 9 Adds a new section relating to DIAGNOSTIC DRUGS to the optometry statute providing that an optometrist desiring to use drugs must be registered and certified in the state, prove educational qualifications, pass a board administered exam, complete continuing education to maintain a validation and that the Board must submit a list of optometrists with license validations to the Board of Pharmacy.
- SECTION 10 Amends definitions of optometry and practicing optometrist to include diagnostic drugs, and adds a definition of diagnostic drugs limiting those to cyclopegics and mydriatics approved under this chapter.

Alaska State Legislature

Representative Milo Fritz
District: 5
P.O. Box 158
Anchor Point, Alaska 99556
(907) 235-8366



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4833

House of Representatives

MILO FRITZ

MEMORANDUM

TO: Senator Richard I. Eliason
FROM: Representative Milo H. Fritz, M.D. *MHF*
DATE: May 17, 1984
SUBJ: Committee Substitute for House Bill 225

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

This bill is an example of the worst kind of special interest legislation. The purpose is not to make things better for the people of Alaska but to allow optometrists to practice medicine.

Up to this time the practice of medicine, which includes the writing of prescriptions and the use of drugs among which of course are eye drops, has been properly restricted by the will of the people, through the Medical Practice Act, to those who have graduated from a class A medical school who have received an M.D. degree and who have passed an examination or been licensed by a reciprocity to practice medicine in the state of Alaska.

By permitting optometrists to use drugs, one is in effect saying that, people who wish to practice medicine including the prescribing of drugs are so dumb that they have to fulfill the above mentioned qualifications to be M.D.'s or optometrists are so smart that they don't need to comply with the regulations of the Medical Practice Act.

Up to the present time optometrists have been able to employ their services for the good of Alaskans all over the state quite satisfactorily without invading the practice of medicine. Therefore, there is no reason at all for them to be using drugs as they wish to without complying with the regulations of the Medical Practice Act.

Optometrists go out into the bush and are able to extend the services for supplying eyeglasses and contact lenses to people in remote areas without the use of drugs. There is no reason why they

To All Physicians
May 17, 1984
Page 2

should be allowed to practice medicine only because they wish to and not because it is going to do any good for the people in the remote areas.

In the Bethel area there are at least two optometrists who do itinerant optometry in the very small villages. When a problem arises, for which drugs might be necessary, the optometrists in question call the M.D. in charge of their activities back at the Bethel Hospital and are then permitted to use certain medications, under the direction of the M.D. supervisor who ultimately is responsible for the good or bad result of what is done.

Allowing optometrists, after a crash course in diseases of the eye, to diagnose and treat disease is like allowing a two hundred hour light plane pilot to assume the command of a 747 jet. It also may be like letting a law clerk who has more or less specialized in one aspect of the law to practice law without passing the bar examinations, graduating from law school, or obtaining a Bachelor of Law degree or one more advanced.

This bill attempts to do by legislation what optometrists should be required to do by education and licensure. Such a subversive effort to circumvent the Medical Practice Act should be thwarted by the overwhelming defeat of this piece of pernicious legislation.

There is no indication that anybody is doing without eyeglasses or contact lenses who requires them under the present system of care either by M.D.'s or by optometrists. Therefore, there is no reason why the sphere of optometrists should be increased by allowing them to practice medicine.

An examination of the bill allows the ignorance of optometrists regarding the practice of medicine to shine through. On page 5 lines 23 through 28 they speak of being denied the use of "of inflammations" which of course is a meaningless phrase since inflammations are not induced for the cure of any eye disease, although, this was once the case 40 years ago under certain circumstances.

In the list of drugs on page 4 lines 1 through 10, line 3 speaks of "anti-infectives", this of course is a meaningless hyphenated word and apparently refers to a drug that would combat infections. If these people not having been to medical school are not in a position to diagnose and treat disease it seems quite obvious that they are in no position to pick out proper drugs for infections, whatever their cause. Without understanding or being skilled in

To All Physicians

May 17, 1984

Page 3

the use of bacterial sensitivity tests and other means of determining what an infectious agent might be it renders any use of anti-inflammatory drugs by optometrists completely meaningless and potentially dangerous.

The use of cycloplegics on line 7 and corticosteroids on line 6 demonstrates a complete ignorance of the dangers that these drugs represent, as do certain mydriatics line 10.

It is my feeling that this bill is completely against the public interest and should be roundly defeated.

Milo H. Fritz, M.D.

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

While in Juneau

POUCH V
JUNEAU, ALASKA 99811

Senate

VICE CHAIRMAN
SENATE RESOURCES COMMITTEE

MEMBER
SENATE JUDICIARY COMMITTEE

WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS

April 16, 1984

Ed Craig, O.D.
348 Main Street
Ketchikan, Alaska 99901

Re: HB 225

Dear Ed:

You and I have been arguing over the years about the wisdom of allowing optometrists to utilize drugs in the practice of their profession.

I regret to inform you that, notwithstanding the fact you are a long-time friend and an occasional client, I have not changed my opinion.

It would follow that I cannot support the captioned bill in any form whatsoever.

I don't hold any particular torch for the ophthalmologists or the medical doctors, but I believe, on balance, that their arguments are much more persuasive than yours.

You'll probably vote for Bob Garza the next time out!

Incidentally, I have sent copies of this letter to a mixed bag of medical doctors and ophthalmologists.

Regards,

BZ

Robert H. Ziegler, Sr.

cc: Representative Milo Fritz

May 16, 1984

Dear Senator Elias:

It is my understanding that a bill to allow an Optometrist to give Prescription medications to patients is again before your body. Several hearings have already been held and it seems this bill continues to resurface year after year. I see hundreds of children each year in my job and continue to feel that children and adults with eye injury or disease should be referred to a trained medical doctor for evaluation. Not only does the Opthomologist have the training of a physician, he has several years of specialized training in treating and diagnosing diseases and injuries of the eyes. As we all know, eyes are not replaceable. Let us NOT compromise on their care. Please recommend a DO NOT PASS the optometric drug bill.

Thank you,

A handwritten signature in cursive script, reading "Wanda Van Hoomissen R.N.", written in dark ink.

Wanda Van Hoomissen R.N.

Tanana Junior High School Nurse
Coordinator of School Nurses

JAMES H. PATTERSON, M.D.

A Professional Corporation

Subspecialty Pediatric Ophthalmology

3500 LA TOUCHE

ANCHORAGE, ALASKA 99504

April 09, 1984

Dear Senator Eliason:

You will probably be asked to consider and to vote on ammended HB 225, the optometric drug bill which was recently passed by the House. As a medical doctor and an ophthalmologist, I feel that this legislation is not needed nor is it in the best interest of the people of the State of Alaska.

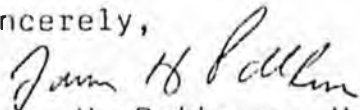
Giving nonmedical practioners the unrestricted use of "legend drugs" for diagnostic purposes would allow the use of such broad categories of drugs such as topical anesthetics (drugs which numb the eye) mydriatics (drugs which dilates the pupil), miotics (drugs which constricts the pupil and also is used to treat glaucoma). This bill would allow optometrists the use of such drugs as cocaine (a mydriatic and a topical anesthetic) and atropine (mydriatic). If atropine is given to certain members of our population it can precipitate narrow angle glaucoma which is an abrupt rise in the internal eye pressure which can cause a severe reduction in vision and eventual blindness. Acute narrow angle glaucoma is an eye emergency and requires surgical intervention and treatment all of which is way beyond the scope of optometry.

HB 225 as written would have the Board of Optometry alone deciding what legend drugs maybe used and by whom. There would be no cross checks by the Board of Pharmacy or Medicine. This could be likened unto one branch of our government, namely the executive, legislation or judical section deciding by themselves alone what policies and laws are best for the people of the State of Alaska!

I have previously sent articles to your HESS and Financial Committee chairpersons showing the vast difference in the number of hours of training between optometrists and ophthalmologists, as well as the ease with which significant eye disorders maybe detected and appropriately referred without the use of topical eye mediciations. Please look at the articles again.

If I can furnish any additional information or clarify any of the points I have attempted to make, please do not hesitate to contact me. Please do not allow HB 225 to pass.

Sincerely,



James H. Patterson M.D.

JHP/ez

Office 562-2969
Home 345-3215

STANLEY N. JONES, M.D.
HAINES, ALASKA 99827

REPLY BY AIR MAIL

April 10, 1984

Honorable Senator Dick Eliason
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Eliason:

I am writing to you to express my displeasure with HB 225. I am opposed because it is a hazzard to the people of Alaska to receive treatment with medications by people who are not trained in pharmaceutical and drug treatment.

Once a group is granted certain rights, the grandfather clause frequently continues those rights, even if it is discovered that a mistake in judgement was made in granting the rights. Only authorize those people to practice medicine who have been licensed to practice medicine by the State of Alaska.

Would the state license me to captain one of their ferries just because I have operated my own boat? Certainly the liability exposure would be greater then with a trained and certificated vessel captain. Even with such precautions an occasional rock gets scraped. Lets be as careful with medicine as we are with our ferries, planes, courts, schools, and many other public services.

I believe that it is the responsibility of the legislature to look after the proper protection of all of the citizens of the state.

Sincerely yours,

Stanley N. Jones, M.D.

SNJ/da

Alaska State Legislature

Representative Milo Fritz
District 5
P.O. Box 158
Anchor Point, Alaska 99556
(907) 235-8366



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4833

House of Representatives

MILO FRITZ

MEMORANDUM

TO: All Senators

FROM: Representative Milo H. Fritz *Milo*
Member House Finance

DATE: May 18, 1984

SUBJ: HB 225...Optometry Bill & HB 347...Naturopath Bill

In order to practice medicine in Alaska one needs to graduate from a medical school, receive and M.D. Degree, serve as an intern or resident for a year, and obtain a license to practice following examination or by reciprocal agreement with States that have Medical Practice Acts similar to ours.

That the people of Alaska want diagnosis and treatment carried out by M.D.'s is attested to by the Medical Practice Act AS.08.64.200.

Now in HB 225 optometrists wish to diagnose and treat disease without complying with AS.08.64.200 and quote all sorts of spurious reasons for being allowed to do so. They attempt to gain by legislation what M.D.'s are granted as the result of education and experience.

The eye needs of Alaska are being met quite well with optometrists practicing optometry and M.D.'s practicing medicine as they do right now.

I will call on each of you personally to find out if I can count on your torpedoing this legislation because it is inimical to the people of Alaska.

I seek the same response for the same reason to the Naturopathic bill HB 347.



AMERICAN ACADEMY OF OPHTHALMOLOGY

April 12, 1984

Ms. Nancy Dietrick
c/o Senator Josephson
Pouch V
Juneau, AK 99811

Dear Nancy:

It was a pleasure to speak with you yesterday. I appreciate the time you took to tell me about the status of HB 225.

Attached are two Policy Statements prepared by the Academy that pertain to your efforts: one on the subject of Optometric Use of Drugs for Diagnostic and Therapeutic Purposes, and the other on Appropriate Referral.

The president of the Alaska State Ophthalmological Society is Dr. Peter Cannava, MD, Box 1629, Soldotna, AK 99669. He can be reached at (907) 262-4462, should you be seeking experts to testify on HB 225 on April 18, 1984. I am sure he would welcome an invitation.

I hope this information is of some help.

Sincerely,

Henry L.D. Ebert
Assistant Director
State and Subspecialty Relations

HE:mlp

Enclosures

POLICY STATEMENT

AMERICAN ACADEMY OF
OPHTHALMOLOGY

OPTOMETRIC USE OF DRUGS FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES

Policy:

The American Academy of Ophthalmology believes no need exists for the use of drugs by optometrists for diagnostic and/or therapeutic purposes and therefore opposes legislation permitting such use.

Background:

Optometrists are not and need not be qualified by education, training or experience to diagnose eye disease or systemic disease. The diagnosis of eye disease and systemic disease constitutes the practice of medicine. Optometrists do examine patients with eye complaints, some of whom do not have problems entirely attributed to refractive errors (optical defects) correctable by glasses. Optometrists should be encouraged in the course of their examination to observe certain signs and question certain symptoms and refer such patients to licensed physicians and surgeons for definitive diagnosis and treatment where indicated.

Evaluation:

Drugs are not necessary to measure eye pressure. Technology is widely available for the measurement of eye pressure without the use of anesthetic eye drops. These tests are sufficiently accurate for screening purposes to identify a patient suspected of having glaucoma.

In the absence of visual symptoms, most abnormalities causing changes in the back of the eye can be detected by using examining techniques other than dilatation of the pupil. In those cases where enlargement of the pupil is required, special diagnostic equipment is also required that necessitates training and experience not possessed by optometrists.

Drugs may have very serious side effects including death. Optometrists are not trained to administer emergency medical treatment to patients suffering severe drug reactions nor are they licensed to administer emergency drugs. Some eye drugs can precipitate an attack of acute glaucoma in minutes or hours. This serious vision-threatening emergency

OPTOMETRIC USE OF DRUGS FOR DIAGNOSTIC AND THERAPEUTIC PURPOSES

Page 2

must be recognized immediately and treated medically and/or surgically. Only an ophthalmologist is qualified to administer medical and/or surgical treatment to patients with acute glaucoma.

Developed by: Committee for State Affairs
Secretariat for Governmental Relations

Approved by: Board of Directors, 6/27/81

POLICY STATEMENT

AMERICAN ACADEMY OF
OPHTHALMOLOGY

APPROPRIATE REFERRAL

Policy:

The American Academy of Ophthalmology supports the concept of appropriate referral of patients by non-medical practitioners to licensed physicians and surgeons when certain signs are observed and/or certain symptoms reported of possible eye disease or injury.

Background:

Many eye diseases, and systemic diseases that affect the eyes, have subtle signs and minimal or no symptoms. Optometrists and other non-medical practitioners are not qualified by education, training or experience to diagnose or treat these diseases. Failure to refer individuals with such diseases or to refer them promptly to a physician may result in unnecessary blindness or significantly impaired vision.

Evaluation:

Patients usually seek the advice of ophthalmologists or optometrists for evaluation of eye complaints (although on occasion pediatricians, internists, generalists and other physicians are consulted and treat certain eye conditions). Only ophthalmologists are qualified by education, training and experience to provide total eye care which includes a medical eye examination as well as a vision examination (refraction).

A mechanism must be provided to protect the large number of patients who initially select a non-medical practitioner for evaluation of what turns out to be a medical problem.

Guidelines:

To insure that these patients are referred promptly for definitive diagnosis and treatment when indicated, the following guidelines are recommended:

A non-medical practitioner providing service to any person should refer such a person to a licensed physician and surgeon for definitive diagnosis and treatment at any time a patient requests, when any eye disease or central nervous system disorder is suspected, or when the non-physician notes:

- (a) failure to achieve correctable 20/40 visual acuity in either eye unless the cause of the impairment has been medically confirmed earlier;

APPROPRIATE REFERRAL

Page 2

- (b) complaints of flashes of light, recent onset of floaters, halos, transient dimming or distortion of vision, obscured vision, loss of vision or pain in the eye, lids, or orbits, double vision or excessive tearing of the eye;
- (c) reports of permanent or temporary loss of any part of the visual field or clinical suspicion or documentation of such field loss;
- (d) presence of detected opacities or abnormalities in the normally transparent media of the eye, the ocular fundus, or the optic nerve head;
- (e) presence of a tumor or swelling of the eyelids or orbit or protrusion of one or both eyes;
- (f) presence of inflammation of the lids, conjunctiva or globe, with or without discharge;
- (g) strabismus or crossed eyes.

Developed by: Committee for State Affairs
Secretariat for Governmental Relations

Approved by: Board of Directors, 10/3/81

REF ID: A6648400 PRT 1 07/21/81 11:21-15 ORIG 1304 IN# 0000 DATE 0887
FROM: JUNEAU
TO: JUNEAU
2

TO: SENATOR ELIASON

FROM: DR. KEN CHANG
SITKA DENTAL CLINIC
BOX 333
SITKA, AK. 99635 747-3104 (HI) OR 7-3204

I SUPPORT THE DENTISTRY BILL SITTING IN YOUR COMMITTEE. WOULD YOU
PLEASE GET UPON THIS BILL AND PASS IT THROUGH YOUR COMMITTEE.

THANK YOU.

SITKA LTD. 5-27-81 40470

FOR

THE SENATE SHOULD SUPPORT HOUSE BILL 225 BECAUSE IT ALLOWS OPTOMETRISTS TO PROVIDE MODERN TECHNOLOGY AND IT DECREASES THE COST OF EYE CARE.

RE: HB 225 OPTOMETRY

1694 ELWENDORF DRIVE
ANCHORAGE 99504
H 333-3242 W 276-1726

FROM:

TO: ALL MEMBERS OF THE SENATE

TARGET: LCHK SUBJ: P O M

FROM: MARCIE, AND INFO

HSG 84-00043542 PRTY 1 05/09/84 08:54:57 ORIG. LAGG. IN= 0002 OUT= 0917
TO: POM, JUNEAU INFO

HSC 84-00045557 PRTY 1 05/15/84 14:31:53 ORIG: LA09 IN= 0006 OUT= 0069
FROM: PAT/ANCH LIO TO: JUNEAU LIO
TARGET: LHR SUCC: POH 6

TO: SENATORS ELIAZON, GULCAHY, PETTYJOHN, RODEY
AND SACKETT

FROM: HAROLD SHOFF, H.O., 7925 SECLUSION DRIVE;
ADLHORGE, GR 92504
PHONE: 353-450010, 531-145300

I WOULD LIKE TO EXPRESS MY OPPOSITION TO HB225 AS
IT IS AN ATTEMPT TO ELEVATE OPTOMETRY FROM A
TECHNICAL SERVICE TO THE PRACTICE OF MEDICINE
BY LEGISLATIVE FIAT.

) MSG 84-00045492 PRTY 1 05/15/84 10:14:30 ORIG: LA18 IN= 0004 OUT= 0030
FROM: GARCIE, APO INFO TO: FGA, JOUVEAU INFO
TARGET: LJKK SUBJ: P O M 6

) TO: SENATORS ELIASON, MULCAHY, PETTYJOHN, RODEY, SACKETT

) FROM: TOM HARRISON
) 4807 MITCHELLS WAY
) ANCHORAGE 99503
) H 333-6046 W 581-1530

) RE: HB 255 OPTOMETRY

) I BELIEVE THAT HB 255 IS AGAINST THE PUBLIC INTEREST AND SHOULD NOT
) BE PASSED BECAUSE IT ALLOWS INADEQUATELY TRAINED NON-PHYSICIANS TO
) CARE FOR EYE DISEASE.

) FGA

MSG 84-00045477 PRTY 1 05/15/84 09:36:15 ORIG: LH17 IN= 0001 OUT= 0025
FROM: KIH / ANCH LIU TO: POH / JNU INFO
TARGET= LJHC SUBJ: P O H

TO: SENATORS ELIASON, GULCANY, PETTYJOHN, ROBEY, AND SACKETT

FROM: JAMES PATTERSON 3500 LATOUCHE, ANCHORAGE 99508
H 345-3215 W 562-2969

SUBJ: HB225, OPTOMETRY, AUTHORIZE DRUGS

PLEASE VOTE NO ON AMENDED HB225 ALLOWING THE USE OF DIAGNOSTIC
MEDICINES BY OPTOMETRISTS. I FEEL THIS LEGISLATION IS NOT NEEDED
OR IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF ALASKA.

MSG 84-00005845 PRTY I 05/16/84 09:54:16 ORIG: LA17 IN= 0003 OUT= 0032
FROM: KIH / ANCH LIO TO: POM / JRU INFO
TARGET: LJK SUBJ: P O M

TO: ALL MEMBERS OF THE SENATE

FROM: WICKY BLOWER, 3727 COVENTRY DRIVE, ANCHORAGE 99507
H 349-7430

SUBJ: HB225, OPTOMETRY/AUTHORIZE DRUGS

I URGE YOU TO VOTE YES ON OPTOMETRY BILL, HB225. ITS PASSAGE
WILL ENSURE ALASKANS THE SAME QUALITY, READILY AVAILABLE EYE CARE
EXPERIENCED IN THE LOWER 48 FOR YEARS.

MSG 84-00048510 PRTY 1 05/17/84 11:50:12 ORIG: LF90 IN= 0001 OUT= 0054
FROM: PAULA/PKZ TO: JHU INFO
TARGET: LJKR SUBJ: POH

TO: SENATOR ELIASON

FROM: DOREEN JONES
P.O. BOX 58398
FAIRBANKS, AK, 99711
483-2506-H 479-6589-W

RE: HB 225, OPTOMETRIC PRACTICE

MSG: DO NOT PASS THE OPTOMETRIC DRUG BILL. -----EON

MSG 84-00040010 PPT 1 05/17/04 14:35:22 ORIG: LF00 U# 0003 UITA 0086
FROM: TRACIE/FBK TO: JNU INFO
TARGET: LJK SUBJ P00 6

TO: SEAS ELIASON, WULCAHY, PETTYJOHN, SACKETT, RODES

FR: PERRY WEDEN, R/P
705 BENTLEY DR. WEST
CBS, 92701

RE HB225 DETORRETT BILL

MSG: I DO NOT FEEL THAT YOU SHOULD PASS HB225. OPTIMALLY WE WANT THE
BEST QUALIFIED TO DEFENSE AND SECURITY.

END

CGG 31-98646a01 PRY 1 05/17/84 14:28:52 ORIG: LK60 IHE 0004 OUT: 0085
FROM: BONDIE WETCHIKAN TO: JUNEAU INFORMATION
TOGET: LUK SUBJECT FOR

TO: SENATORS ELIASON, RULCANY, PETTYJOHN, ROBEY, SACETT, AND ZINGLER
REPRESENTATIVE FRITZ

FROM: JAMES A. NELSON, M.D.

P.O. BOX 3573

SEATTLE, WASHINGTON 98101

(206) 325-5225 (HOME) (206) 235-4101 (OFFICE)

RE HOUSE BILL 225, OPTOMETRIZING OF CERTAIN DRUGS BY OPTOMETRISTS

LABELING VENDOR ONLY TO OPTOMETRISTS USING AND PRESCRIBING, DEVICES TO TREAT
AND DIAGNOSTIC EYE DISEASES. THIS PROPERLY CONSTITUTES THE PRACTICE OF
MEDICINE FOR WHICH THEY ARE NOT TRAINED.

END PAGE

MSG 84-00046543 PRY 1 05/17/84 12:49:11 ORIG: LA32 IN= 0003 OUT= 0064
FROM: DAVE/AHC LIO TO: PON - JRO LIO
TARGET: LJKK SUBJ PON 6

TO: THE SENATE LABOR & COMMERCE COMMITTEE. SENATORS ELIASON, MULCHAY,
PETTYJOHN, RODEY AND SACKETT.

FROM: DONALD W. DIPPE
2811 DEBARQ RD, SUITE 35
ANCHORAGE, AK 99508
W: 264-1405

RE: HB 225

MESSAGE: I BELIEVE HB 225 DOES NOT PROMOTE THE BEST HEALTH INTERESTS OF THE
PEOPLE OF ALASKA. I URGE YOUR SUPPORT TO DEFEATING HB 225.

PON - 5/17/84.....DAVE/AHC LIO.....MSG 46543

TO: THE SENATE LABOR AND COMMERCE COMMITTEE SENATORS ELIASON, MULCHAY,
PETTYJOHN, RODEY AND SACKETT.

FROM: JOE STIEL
2516 NORTH OLYMP BR
ANCHORAGE, AK 99503
213 7160

RE: HB 225

MESSAGE: AS A PRACTICING OPTOMETRIST IN ANCHORAGE FOR 10 FEET YEARS, I
RECORDED THAT HB 225 NOT BE PASSED. TOO MUCH CONCUSSION ALREADY EXISTS IN THE
POLICE'S HAND AS TO WHO IS QUALIFIED TO PERFORM THESE LEDGES. TREAT THE POLICE
AND DO THE SURGERY. PASSING THIS BILL WILL NOT SERVE THE PUBLIC INTERESTS.

MSG 81-06045453 PRTY : 05/17/84 11:03:48 ORIG: LF01 IN= 0007 OUT= 0042
FROM: PAULA/FRS TO: JHU INFO
TARGET: LJKK SUBJ: POM

TO SENATOR ELIASON

FROM: CAROL SECOR
314 ESTER
FAIRBANKS, AK. 99701
472-6594-H

RE: HB 325, PRACTICE OF OPTOMETRISTS.

MSG: DO NOT PASS OPTOMETRIC DRUG BILL.

-COM

MSG 34-00048579 PRTY : 05/17/84 13:36:02 ORIG: LA18 IN= 0007 OUT= 0076
FROM: MADDIE, AND INFO TO: POB, JUNEAU INFO
TARGET: LHM SUBJ: P O M

TO: ALL MEMBERS OF THE SENATE

FROM: PHILLIP E. JONES, M.D.
11500 DOOGIE AVENUE
ANCHORAGE 99516
H 345-3349 W 342-9611

RE: HB 225 OPTOMETRY

AS AN EMERGENCY PHYSICIAN, I PLEAD YOU DEFERT HB 225. THE USE OF
CYCLOPLEGICS AND HYDRGATED BY OPTOMETRISTS IS DANGEROUS. I HAVE SEEN
THREE PATIENTS HAVE CARDIAC ARREST FROM THESE DRUGS. ONLY MEDICAL
DOCTORS WHO UNDERSTAND THESE DRUGS AND WHO ARE TRAINED TO DEAL WITH THEIR
CONSEQUENCES SHOULD USE THEM.

END

MSG 84-00046931 PRY 1 05/18/84 14:45:22 ORIG: LF20 IN= 0001 OUT= 0001
FROM: PAULA/FKZ TO: JNU INFO
TARGET: LJHK SUBJ: PCH

TO: SENATOR ELLISON

FROM: GOROTHY STELLA
235 TOLLAROD
FOURBARKS. AP, 99701
936-1454-H 372-1265-W

RE: HB 225, PRACTICE OF OPTOMETRISTS

HSC FOR OBVIOUS REASONS I FEEL VERY STRONGLY THAT OPTOMETRISTS SHOULD NOT
PRESCRIBE MEDICATION FOR TREATMENT OF EYE DISEASE WITHOUT FIRST REFERRING THE
PATIENT TO AN OPHTHALMOLOGIST. THANK YOU, GOROTHY STELLA R.D.

-----END-----

) MSG 34-00047900 PRTY 1 05/23/84 10:47:09 ORIG: LX00 IN= 0905 OUT= 0041
FROM: SITKA TO: JUREAU
TARGET: LJKK SUBJ: P04

) TO: SENATOR ELIASON

) FROM: DR. WAYNE HAGERMAN, SITKA VISION CLINIC
BOX 338
SITKA, AK 99855 (907)47-3856 (907)47-6544

) RE: HB 325, OPTOMETRY/USE OF CERTAIN DRUGS BY OPTOMETRISTS

) I WOULD URGE YOU TO SUPPORT HB 325 IN THE AMENDED FORM TO INCLUDE THE USE OF
OPTICAL INSTRUMENTS. I HAVE PRACTICED IN THE STATE OF ALASKA AND U.S. O
OPTOMETRIC TECHNOLOGY AGENTS SINCE FOR THE LAST THREE YEARS.

) SENDING YOU, VIA, 475051*****

INVESTIGATIONS - OPTOMETRY

<u>Fiscal Year</u>	<u>Allegation</u>	<u>Filed By</u>	<u>Location</u>	<u>Disposition</u>
1981	Fee Dispute	Citizen	Ketchikan	No Violation No Jurisdiction Referred to Legal Counsel
1982	Expired License Cease & Desist	Investigative Section	Anchorage	Compliance Renewed License Removed from Board
1982	No Branch Office License	Investigative Section	Homer/ Anchorage	Compliance Licensed
1982	Unauthorized Dispensing of Drugs	Citizen	Bethel	Reprimand Compliance
1984	Window Display of Glasses Violation of 12 AAC 48.070(2) Unprofessional Conduct	Optometrist	Anchorage	Normal Window w/ View of Office Interior-Declined to Prosecute Regulation Violates Anti-Trust Laws
1984	Withholding Patient Records	Citizen	Anchorage	No Violation Patient Advised of Rights Under AS 18.23.065

BOARD OF EXAMINERS IN OPTOMETRY
EXAMINATION STATISTICS

EXAMINATION DATE	NUMBER OF APPLICANTS	PASSED	FAILED
<u>JUNE 11, 1979</u>			
Patient Exam	4	3	1
Pathology	4	3	1
Ophthalmic Optics	4	2	2
Oral Exam	4	4	0
<u>JUNE 1980</u>			
Patient Exam	9	9	0
Pathology	9	6	3
Ophthalmic Optics	9	6	3
Oral Examination	8	8	0
<u>JUNE 1981</u>			
Patient Exam	6	6	0
Pathology	7	5	2
Ophthalmic Optics	6	6	0
Oral Examination	6	6	0
<u>JUNE 1982</u>			
Patient Exam	3	3	0
Pathology	3	2	1
Ophthalmic Optics	3	3	0
Oral Examination	3	3	0
<u>DECEMBER 1982</u>			
Patient Exam	4	4	0
Pathology	4	3	1
Ophthalmic Optics	4	4	0
Oral Examination	4	4	0
<u>JUNE 1983</u>			
Patient Exam	6	5	1
Pathology	7	3	4
Ophthalmic Optics	6	6	0
Oral Examination	6	6	0
<u>JANUARY 6, 1984</u>			
Patient Exam	4	4	0
Pathology	6	5	1
Ophthalmic Optics	4	4	0
Oral Examination	4	4	0

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

In the Matter of:

PHILLIP W. BACH, O.D.
Optometrist

Respondent

File: BO 82-049

TEMPORARY CEASE AND DESIST ORDER
(AS 08.01.087(b)(1))

TO: Phillip W. Bach, O.D.
Professional Center
3401 Denali Street, Suite 204
Anchorage, Alaska 99503

1. As a result of an investigation conducted by Richard H. Long, Chief Investigator, Division of Occupational Licensing, on November 1981 to December 31, 1981, Anchorage and Juneau, Alaska, it has been determined that you are engaged in the following activity:

Practicing as an optometrist at the above named location in Alaska without a license for such practice in Optometry. License Number AA0067, issued to Phillip W. Bach, for Optometry, expired December 31, 1978. That license was not renewed for the license period January 1, 1979 to Demember 31, 1980, and was not renewed for the license period January 1, 1981 to December 31, 1984, a total of \$270.00 in renewal fees plus penalties are in arrears. Further, proof of his completing 24 hours of continuing education for the license period January 1, 1979 to December 31, 1980 has not been submitted as required. Phillip W. Bach has been advised many times, some by correspondence, by personal discussion on telephone with the board examiner, by the investigative staff, by the Chairman of the Board of Examiners in Optometry, and by the Director of the Division of Occupational Licensing, all during the recent past several months. He has acknowledged he would respond to each contact but has not so responded with any renewal transactions for fees or continuing education. Throughout this period, he has maintained practice as an Optometrist, examining, fitting, selling or receiving or soliciting orders for lenses for the correction of optical or visual defects of human eyes, and other functions pertinent to being in business as an Optometrist including ongoing advertisments for such services.

2. This constitutes the practice of Optometry within the meaning of AS 08.72.110 and AS 08.72.300. Further investigation reveals that you are practicing without a license. This is in violation of AS 08.72.110 and AS 08.72.280. Further, failing to renew is a violation of AS 08.72.181 which requires payment of the fee and proof of continuing education.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D, JUNEAU, ALASKA 99811
TELEPHONE: (907) 465-2536

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3. Notification has been made to the members of the Board of Examiners in Optometry by telephone or telegraph of the proposed issuance of this Temporary Cease and Desist Order and a majority of the board members do not object to its issuance.

4. Issuance of this Temporary Cease and Desist Order is in the public interest.

IT IS THEREFORE ORDERED pursuant to AS 08.01.087(b)(1) that you immediately CEASE AND DESIST from further practice as an Optometrist without licensure in the State of Alaska.

Upon your written request within 15 days of receipt of this order, a hearing will be set and thereafter a further order will be entered; if no such request is received, this order shall stand as entered.

This order is effective on receipt by you.

DATED this 31 day of December, 1987 at Susitna, Alaska.

BY ORDER OF

COMMISSIONER
DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

BY: Shirley M. Logan, Director
Name and Title

Division of Occupational Licensing
Agency Address
PO Box 1, Susitna, Alaska
99811

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I served a copy of the above order and a Request for Hearing form by (personally delivering/ mailing) a copy to/with _____

_____ at _____
_____ on the _____ day of _____, 19____.

Name

Title

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
PO BOX 1, JUNEAU, ALASKA 99811
TELEPHONE: (907) 495-2530

1 STATE OF ALASKA

2 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

3 In the Matter of:)
4 PHILLIP W. BACH, O.D.)
5 Optometrist)
6 Respondent)

7 File: BO 82-049

8 DECISION AND ORDER OF WITHDRAWAL

9 The State of Alaska, Director, Division of Occupational Licensing,
10 having reviewed the licensing file, renewal documents, the file regarding the
11 Temporary Cease and Desist Order, and having discussed this entire matter with
12 the Board of Examiners in Optometry with Respondent Phillip Bach present, and
13 having heard from Respondent Phillip Bach directly, hereby decides and orders
14 as follows:

15
16 STATEMENTS OF FACT

17 1. Respondent Bach was issued a Temporary Cease and Desist Order with
18 board concurrence on January 4, 1982, for practicing as an Optometrist in
19 Alaska with no license to do so. His license expired December 31, 1978 but he
20 continued to practice from that date to present without a valid license in
21 violation of AS 08.72.110, AS 08.72.181 and AS 08.72.280. He failed to pay
22 any renewal fees and failed to submit proof of any continuing education despite
23 numerous attempts by division staff, board members and others.

24 2. Respondent Bach submitted a Request for Hearing dated January 12,
25 1982, to protest the order.

26 3. On January 15, 1982, the division received a letter dated December 1,
27 1981 from Jeffrey G. Keene, Secretary-Treasurer of the Alaska Optometric
28 Association, attempting to certify 70 hours of continuing education. This
29 submission was rejected as it did not comply with the requirements written
30 under AS 08.72.181 and 12 AAC 48.020. His fees required to renew, including
31 delinquent charges, totalling \$270.00 were received this date.
32

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D. JUNEAU, ALASKA 99811
TELEPHONE: (907) 465-2536

1 4. On February 1, 1982, by letter, Mr. Keene was asked to clarify his
2 certification to meet the requirements of the statute and regulations. On
3 February 8, 1982, Mr. Keene's reverification of Respondent Bach's continuing
4 education was received, but attested to only 67 hours.

5 5. On February 8, 1982, at 5:05 p.m., a teleconference phone call was
6 completed with all board members and Respondent Bach. Although the
7 certification was not notarized, and each credit was not certified by the
8 instructor as earlier directed and as specified by statute and regulations,
9 the board considered all of the credits submitted, voted to accept them as
10 submitted and concurred that he may be renewed.

11
12 CONCLUSIONS OF LAW

13 6. Respondent now complies with AS 08.72.181 and 12 AAC 48.020 since he
14 has paid his fees, submitted his required continuing education and the board
15 has concurred that he may be relicensed by renewal process.

16
17 ORDER

18 IT IS THEREFORE ORDERED that the Temporary Cease and Desist Order issued
19 to Phillip W. Bach is withdrawn. A license is to be issued to Respondent Bach
20 immediately.

21 DATED this 9 day of February 1982 at Juneau, Alaska.

22
23 BY ORDER OF

24 COMMISSIONER
25 DEPARTMENT OF COMMERCE AND
26 ECONOMIC DEVELOPMENT

27 BY:

Harry D. Treager
28 HARRY D. TREAGER, Director
29 Division of Occupational Licensing
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STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

In the Matter of:

PHILLIP W. BACH, D.D.
Optometrist
Respondent

TEMPORARY CEASE AND DESIST ORDER
(AS 08.01.097)

File NO 62-049

REQUEST FOR HEARING

Respondent, pursuant to AS 08.01.037(b)(1), hereby gives notice of
Defense in this proceeding.

A hearing on the matters set forth in the Temporary Cease and Desist
Order is hereby requested.

DATED this 12th day of January, 1982

Phillip W. Bach
Respondent's Signature

Address: 3701 Denali St.

Anchorage Alaska
City State

276-8120 99503
Telephone Zip

NOTICE

This Request for Hearing must be signed by or on behalf of respondent, set
forth respondent's mailing address, and must be filed with the Director,
Division of Occupational Licensing, Department of Commerce and Economic
Development, Pouch D, Juneau, Alaska 99811, within 15 days of receipt. Upon
receipt of this or a written request in any form received by the Director
within 15 days of your receipt of this order, a hearing will be set and
thereafter a further order will be entered. If no such request is received,
this order shall stand as entered.

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D, JUNEAU, ALASKA 99811
TELEPHONE (907) 468-2414

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D JUNEAU, ALASKA 99811

In the matter of:)
)
 PHILLIP BACH)
)
 Respondent)
)
)
)

CASE NO. OE 82-049

AFFIDAVIT OF NOTICE PURSUANT TO AS 08.01.087(b)

I hereby certify that all members of the: Optometry Board

were notified of the intent of this department's proposed order/action as follows:
To issue a Commissioner's Cease and Desist Order pursuant to AS 08.01.087 to an
unlicensed Optometrist, Phillip Bach. His license expired December 31, 1978. All
efforts to bring him into compliance with AS 08.72 have been to no avail. The
license examiner has contacted him many times in writing and personally to get him
licensed. The Director has also tried. He knows he is in violation of AS 08.72.110
yet he continued to practice with no license. He has failed to respond to any contacts

(over)

This notice was communicated to the following members of the above listed Board or
Commission as noted:

NAME (telephone #, city)	METHOD (tp/twx)	DATE	RESULTS
Maynard Falconer/Anchorage	Telephone 272-2557	12-31-81	Approved
John Miko/Fairbanks	Telephone 456-2235	12-30-81	Approved

No objections were received from any member of this Board/Commission regarding the
above listed proposed order/action except as noted here:

Phillip Bach/Anchorage		Not notified
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Dated this 6th day of January, 1982 at Juneau, Alaska.

Kevin J. Messing
NAME KEVIN J. MESSING
ADMINISTRATIVE SUPPORT TECHNICIAN II
TITLE

SUBSCRIBED AND SWORN to before me, the date and place above shown.



Angela J Parker
NOTARY
8-8-84

1111