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HOUSE BILL NO. 1735

Offered January 14, 2015

Prefiled January 12, 2015

A BILL to amend and reenact §§ 54.1-3200 and 54.1-3222 of the Code of Virginia, relating to TPA-certified optometrists; administration of certain Schedule II drugs.

Patrons—Hodges, Helsel, Joannou and Spruill

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3200 and 54.1-3222 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Optometry.

"Optometrist" means any person practicing the profession of optometry as defined in this chapter and the regulations of the Board.

"Practice of optometry" means the examination of the human eye to ascertain the presence of defects or abnormal conditions which may be corrected or relieved by the use of lenses, prisms or ocular exercises, visual training or orthoptics; the employment of any subjective or objective mechanism to determine the accommodative or refractive states of the human eye or range or power of vision of the human eye; the use of testing appliances for the purpose of the measurement of the powers of vision; the examination, diagnosis, and optometric treatment in accordance with this chapter, of conditions and visual or muscular anomalies of the human eye; the use of diagnostic pharmaceutical agents set forth in § 54.1-3221; and the prescribing or adapting of lenses, prisms or ocular exercises, visual training or orthoptics for the correction, relief, remediation or prevention of such conditions. An optometrist may treat certain diseases or abnormal conditions of the human eye and its adnexa with certain therapeutic pharmaceutical agents only as permitted under this chapter.

"TPA-certified optometrist" means an optometrist who is licensed under this chapter and who has successfully completed the requirements for TPA certification established by the Board pursuant to Article 5 (§ 54.1-3222 et seq.) of this chapter. Such certification shall enable an optometrist to prescribe and administer *Schedule II controlled substances consisting of hydrocodone in combination with acetaminophen* and Schedules III through VI controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) to treat diseases, including abnormal conditions, of the human eye and its adnexa, as determined by the Board. Such certification shall not, however, permit treatment through surgery, including, but not limited to, laser surgery or other invasive modalities, except for treatment of emergency cases of anaphylactic shock with intramuscular epinephrine.

The foregoing shall not restrict the authority of any optometrist licensed or certified under this chapter for the removal of superficial foreign bodies from the human eye and its adnexa or from delegating to personnel in his personal employ and supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by optometrists, if such activities or functions are authorized by and performed for such optometrists and responsibility for such activities or functions is assumed by such optometrists.

Article 5.

Certification for Administration of Therapeutic Pharmaceutical Agents (TPAs).

§ 54.1-3222. TPA certification; certification for treatment of diseases or abnormal conditions with therapeutic pharmaceutical agents (TPAs).

A. The Board shall certify an optometrist to prescribe for and treat diseases or abnormal conditions of the human eye and its adnexa with therapeutic pharmaceutical agents (TPAs), if the optometrist files a written application, accompanied by the fee required by the Board and satisfactory proof that the applicant:

1. Is licensed by the Board as an optometrist and certified to administer diagnostic pharmaceutical agents pursuant to Article 4 (§ 54.1-3220 et seq.) of this chapter;

2. Has satisfactorily completed such didactic and clinical training programs for the treatment of diseases and abnormal conditions of the eye and its adnexa as are determined, after consultation with a school or college of optometry and a school of medicine, to be reasonable and necessary by the Board to ensure an appropriate standard of medical care for patients; and

3. Passes such examinations as are determined to be reasonable and necessary by the Board to ensure

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59 an appropriate standard of medical care for patients.

60 B. TPA certification shall enable an optometrist to prescribe and administer, within his scope of
61 practice, *Schedule II controlled substances consisting of hydrocodone in combination with*
62 *acetaminophen* and Schedules III through VI controlled substances and devices as set forth in the Drug
63 Control Act (§ 54.1-3400 et seq.) to treat diseases and abnormal conditions of the human eye and its
64 adnexa as determined by the Board, within the following conditions:

65 1. Treatment with oral therapeutic pharmaceutical agents shall be limited to (i) analgesics included on
66 *Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et*
67 *seq.) consisting of hydrocodone in combination with acetaminophen, and analgesics included on*
68 Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act
69 (~~§ 54.1-3400 et seq.~~), which are appropriate to alleviate ocular pain and (ii) other Schedule VI controlled
70 substances as defined in § 54.1-3455 of the Drug Control Act appropriate to treat diseases and abnormal
71 conditions of the human eye and its adnexa.

72 2. Therapeutic pharmaceutical agents shall include topically applied Schedule VI drugs as defined in
73 § 54.1-3455 of the Drug Control Act (*§ 54.1-3400 et seq.*).

74 3. Treatment of angle closure glaucoma shall be limited to initiation of immediate emergency care.

75 4. Treatment of infantile or congenital glaucoma shall be prohibited.

76 5. Treatment through surgery or other invasive modalities shall not be permitted, except for treatment
77 of emergency cases of anaphylactic shock with intramuscular epinephrine.

78 6. Entities permitted or licensed by the Board of Pharmacy to distribute or dispense drugs, including,
79 but not limited to, wholesale distributors and pharmacists, shall be authorized to supply TPA-certified
80 optometrists with those therapeutic pharmaceutical agents specified by the Board on the TPA-Formulary.