

HOUSE BILL No. 4772

June 10, 1999, Introduced by Reps. Law, Toy, Shackleton, Hart, Rick Johnson, Baird, Middaugh, LaSata, Mortimer, Garcia, Green, O'Neil, Neumann, Tabor, Howell, Bovin, Bogardus and Lockwood and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17401 (MCL 333.17401), as amended by 1997 PA 151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17401. (1) As used in this part:

2 (a) "Optometrist" means an individual licensed under this
3 article to engage in the practice of optometry.

4 (b) "Practice of optometry" means 1 or more of the follow-
5 ing, but does not include the performance of invasive
6 procedures:

7 (i) The examination of the human eye to ~~ascertain the pres-~~
8 ~~ence of~~ DIAGNOSE defects or abnormal conditions ~~which~~ THAT may
9 be corrected, remedied, or relieved, or the effects of which may

1 be corrected, remedied, or relieved by the use of lenses, prisms,
2 or other mechanical devices.

3 (ii) The employment of objective or subjective physical
4 means to determine the accommodative or refractive conditions or
5 the range of powers of vision or muscular equilibrium of the
6 human eye.

7 (iii) The adaptation or the adjustment of the lenses or
8 prisms or the use of therapeutic pharmaceutical agents to cor-
9 rect, remedy, or relieve a defect or abnormal condition or to
10 correct, remedy, or relieve the effect of a defect or abnormal
11 condition of the human eye.

12 (iv) The examination of the human eye for contact lenses and
13 the fitting or insertion of contact lenses to the human eye.

14 (v) The employment of objective or subjective means, includ-
15 ing diagnostic pharmaceutical agents by an optometrist who meets
16 the requirements of section 17412, for the examination of the
17 human eye for the purpose of ~~ascertaining~~ DIAGNOSING a depar-
18 ture from the normal, measuring of powers of vision, and adapting
19 lenses for the aid thereof.

20 ~~(c) "Diagnostic pharmaceutical agent" means:~~

21 ~~(i) The following commercially prepared topical anesthetic:~~
22 ~~Proparacaine HCL 0.5%.~~

23 ~~(ii) The following commercially prepared~~
24 ~~cycloplegic/mydriatic: Tropicamide in strength not greater than~~
25 ~~1%.~~

26 (vi) THE EMPLOYMENT OF ORTHOPTIC VISION THERAPY AND
27 BINOCULAR VISION THERAPY TO CORRECT, REMEDY, OR RELIEVE A DEFECT

1 OR ABNORMAL CONDITION OF THE HUMAN EYE OR TO CORRECT, REMEDY, OR
2 RELIEVE THE EFFECTS OF A DEFECT OR ABNORMAL CONDITION OF THE
3 HUMAN EYE.

4 (vii) THE EMPLOYMENT OF LOW VISION TECHNIQUES, LOW VISION
5 THERAPY COUNSELING, AND LOW VISION REHABILITATION THERAPY TO COR-
6 RECT, REMEDY, OR RELIEVE A DEFECT OR ABNORMAL CONDITION OF THE
7 HUMAN EYE OR TO CORRECT, REMEDY, OR RELIEVE THE EFFECTS OF A
8 DEFECT OR ABNORMAL CONDITION OF THE HUMAN EYE.

9 (C) "DIAGNOSTIC PHARMACEUTICAL AGENT" MEANS A TOPICALLY
10 ADMINISTERED PRESCRIPTION DRUG OR OTHER TOPICALLY ADMINISTERED
11 DRUG USED FOR THE PURPOSE OF DIAGNOSING THE PRESENCE OR ABSENCE
12 OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE OR THE EFFECTS
13 OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE.

14 (d) "Therapeutic pharmaceutical agent" means 1 or more of
15 the following:

16 (i) A topically administered prescription drug or other top-
17 ically administered drug used for the purpose of correcting, rem-
18 edying, or relieving a defect or abnormal condition of the ante-
19 rior segment of the human eye or for the purpose of correcting,
20 remedying, or relieving the effects of a defect or abnormal con-
21 dition of the anterior segment of the human eye.

22 (ii) A topically administered antiglaucoma drug.

23 (e) "Drug" means that term as defined in section 17703, but
24 does not include a controlled substance as defined in section
25 7104 or a prescription drug.

1 (f) "Prescription drug" means that term as defined in
2 section 17708, but does not include a controlled substance as
3 defined in section 7104.

4 (g) "Physician" means that term as defined in section 17001
5 or 17501.

6 (h) "Invasive procedures" means all of the following:

7 (i) The use of lasers other than for observation.

8 (ii) The use of ionizing radiation.

9 (iii) The use of therapeutic ultrasound.

10 (iv) The administration of medication by injection.

11 (v) Procedures that include an incision.

12 (2) In addition to the definitions in this part, article 1
13 contains general definitions and principles of construction
14 applicable to all articles in this code and part 161 contains
15 definitions applicable to this part.