



House of Representatives

General Assembly

File No. 338

January Session, 2005

Substitute House Bill No. 6820

House of Representatives, April 13, 2005

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING OPTOMETRY AND OPHTHALMOLOGY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 20-127 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (g) (1) [No] An optometrist [shall] ~~may~~ delegate to [any person] an
5 optometric assistant, optometric technician or appropriately trained
6 person the use [,] ~~or~~ application [or prescription] of any [ocular agent-
7 D or ocular agent-T except that] ocular agent in accordance with
8 section 20-138a, as amended by this act, or an optometrist may cause
9 the same to be self-administered by a patient under the care and
10 direction of the optometrist.

11 (2) No optometrist shall delegate to any person the authority to
12 prescribe any ocular agent.

13 Sec. 2. Section 20-138a of the general statutes is repealed and the

14 following is substituted in lieu thereof (*Effective October 1, 2005*):

15 (a) No person shall engage in the practice of optometry in this state
16 unless such person has first obtained a license from the Department of
17 Public Health, but the provisions of this chapter shall not prevent a
18 licensed optometrist from delegating optometric services to either a
19 trained optometric assistant or to an optometric technician. Such
20 delegated services shall be performed only under the supervision,
21 control, and responsibility of the licensed optometrist, except that
22 [optometric assistants and optometric technicians shall not be
23 authorized to use prescription and or diagnostic drugs pursuant to this
24 chapter or chapter 417 nor shall] optometric assistants or optometric
25 technicians shall not be authorized to refract eyes, detect eye health,
26 prescribe spectacles, eyeglasses or contact lenses. A licensed
27 optometrist may delegate to an optometric assistant, optometric
28 technician or appropriately trained person the use and application of
29 any ocular agent, provided such delegated service is performed only
30 under the supervision, control and responsibility of the licensed
31 optometrist. Optometric services that may be delegated to an
32 optometric assistant or to an optometric technician may be delegated
33 to an optometric assistant trainee, provided [that] such services are
34 performed only under the direct supervision, control and
35 responsibility of the employing licensed optometrist.

36 (b) Any person in violation of this section shall be fined not more
37 than five hundred dollars or imprisoned not more than five years or
38 both, for each offense. For purposes of this section each instance of
39 patient contact or consultation which is in violation of any provision of
40 this section shall constitute a separate offense. Failure to renew a
41 license in a timely manner shall not constitute a violation for the
42 purposes of this section.

43 [(b)] (c) For the purposes of this section: (1) "Optometric assistant"
44 means a person who has either completed two hundred hours of on-
45 the-job training, an affidavit in support of which shall be kept by the
46 employing optometrist on the premises, or graduated from a

47 vocational program in optometric technicianry; (2) "optometric
 48 assistant trainee" means a person who has completed less than two
 49 hundred hours of on-the-job training and who is under the direct
 50 supervision, control and responsibility of an employing, licensed
 51 optometrist when performing optometric services which may be
 52 delegated to optometric assistants and to optometric technicians; (3)
 53 "optometric technician" means a person who has either completed a
 54 two-year college program in optometric technicianry, or passed the
 55 national optometric technician registration examination given by The
 56 American Optometric Association; and (4) "appropriately trained
 57 person" means a person who has completed on-the-job training in the
 58 use and application of ocular agents under the supervision, control
 59 and responsibility of an employing, licensed optometrist, an affidavit
 60 in support of which shall be kept by the employing optometrist on the
 61 premises.

62 Sec. 3. (NEW) (*Effective October 1, 2005*) A physician licensed
 63 pursuant to chapter 370 of the general statutes, who specializes in
 64 ophthalmology, may delegate to an appropriately trained medical
 65 assistant the use or application of any ocular agent, provided such
 66 delegated service is performed only under the supervision, control and
 67 responsibility of the licensed physician. For purposes of this section,
 68 "appropriately trained medical assistant" means a medical assistant
 69 who has completed on-the-job training in the use and application of
 70 ocular agents under the supervision, control and responsibility of an
 71 employing, licensed physician, an affidavit in support of which shall
 72 be kept by the employing physician on the premises.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	20-127(g)
Sec. 2	<i>October 1, 2005</i>	20-138a
Sec. 3	<i>October 1, 2005</i>	New section

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Departments of Public Health & Consumer Protection	GF - None

Note: GF=General Fund

Municipal Impact: None

Explanation

Passage of this bill will result in no fiscal impact to either the Departments of Public Health or Consumer Protection.

OLR Bill Analysis

sHB 6820

AN ACT CONCERNING OPTOMETRY AND OPHTHALMOLOGY

SUMMARY:

This bill allows licensed optometrists and ophthalmologists to delegate to trained people the use and application of ocular agents. The delegated activity must be performed only under the supervision, control, and responsibility of the optometrist or ophthalmologist. Current law prohibits an optometrist from delegating to any person the use, application, or prescription of any ocular agent-D or ocular agent-T. The law does allow a patient, under an optometrist's care and direction, to self-administer ocular agents.

EFFECTIVE DATE: October 1, 2005

DELEGATION BY OPTOMETRISTS

The bill allows a licensed optometrist to delegate to an optometric assistant, optometric technician, or appropriately trained person the use and application of any ocular agent, but only under his supervision, control, and responsibility. The bill defines "appropriately trained person" as one who has completed on-the-job training in the use and application of ocular agents under the supervision, control, and responsibility of an employing, licensed optometrist. The optometrist must keep an affidavit about this on the premises.

The bill prohibits an optometrist from delegating the prescribing of ocular agents to anyone.

DELEGATION BY OPHTHALMOLOGISTS

The bill allows an ophthalmologist (a licensed physician specializing in ophthalmology) to delegate to any appropriately trained medical assistant the use or application of any ocular agent, but only under his supervision, control, and responsibility. The bill defines "appropriately trained medical assistant" in the same manner as

“appropriately trained person.” The employing ophthalmologist must keep a supporting affidavit on the premises.

BACKGROUND

Ocular Agents

“Ocular agents-D” are topically administered agents used for diagnosing visual defects, abnormal conditions, or diseases of the eye and eyelid. Such agents also include (1) those vision training or optical devices that have been designated drugs for preclearance testing by the Food and Drug Administration or similar agency and (2) fluorescein and similar dyes used in fitting contact lenses (CGS Sec. 20-127(a)(4)).

“Ocular agents-T” are (1) topically administered ophthalmic agents and orally administered antibiotics, antihistamines, and antiviral agents used for treating or alleviating the effects of eye disease or abnormal conditions of the eye or eyelid, excluding the lacrimal drainage system and glands (tears) and structures behind the iris, but including the treatment of iritis, and (2) orally administered analgesic agents for alleviating pain caused by these conditions or diseases (CGS Sec. 20-127(a)(5)).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 24 Nay 0