

As Introduced

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Representatives Daniels, Strahorn

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A B I L L

To amend sections 4725.01, 4725.09, 4725.16, 4725.23, 1
4725.26, 4725.28, and 4731.44 and to enact 2
sections 4725.011, 4725.012, and 4725.091 of the 3
Revised Code to modify the laws governing the 4
State Board of Optometry and the practice of 5
optometry, including the laws authorizing 6
optometrists to administer and prescribe drugs. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4725.01, 4725.09, 4725.16, 4725.23, 8
4725.26, 4725.28, and 4731.44 be amended and sections 4725.011, 9
4725.012, and 4725.091 of the Revised Code be enacted to read as 10
follows: 11

Sec. 4725.01. As used in this chapter: 12

(A)(1) The "practice of optometry" means the application of 13
optical principles, through technical methods and devices, in the 14

examination of human eyes for the purpose of ascertaining 15
departures from the normal, measuring their functional powers, 16
adapting optical accessories for the aid thereof, and detecting 17
ocular abnormalities that may be evidence of disease, pathology, 18
or injury. 19

(2) In the case of a licensed optometrist who holds a topical 20
ocular pharmaceutical agents certificate, the "practice of 21
optometry" has the same meaning as in division (A)(1) of this 22
section, except that it also includes ~~administering~~ use of topical 23
ocular pharmaceutical agents ~~for the purposes set forth in~~ 24
~~division (A)(1) of this section.~~ 25

(3) In the case of a licensed optometrist who holds a 26
therapeutic pharmaceutical agents certificate, the "practice of 27
optometry" has the same meaning as in ~~divisions~~ division (A)(1) 28
~~and (2)~~ of this section, except that it also includes ~~employing~~ 29
all of the following: 30

(a) Employing, applying, administering, and prescribing 31
instruments, devices, and procedures other than invasive 32
~~procedures, and therapeutic pharmaceutical agents for the~~ 33
~~following purposes:~~ 34

~~(a) Examination of examination~~, investigation, diagnosis, 35
treatment, or prevention of any disease, injury, or other abnormal 36
condition of the visual system; 37

~~(b) Treatment or cure of any disease, injury, or other~~ 38
~~abnormal condition of the anterior segment of the human eye~~ Use of 39
therapeutic pharmaceutical agents; 40

(c) Performance of the invasive procedures specified in 41
division (C) of section 4725.012 of the Revised Code. 42

(B) "Topical ocular pharmaceutical ~~agents~~ agent" means: 43

~~(1) Proparacaine hydrochloride in a potency not exceeding~~ 44

five tenths of one per cent ophthalmic solution;	45
(2) Benoxinate hydrochloride in a potency not exceeding	46
four tenths of one per cent ophthalmic solution;	47
(3) Phenylephrine hydrochloride in a potency not exceeding	48
two and five tenths per cent ophthalmic solution;	49
(4) Hydroxyamphetamine hydrobromide in a potency not	50
exceeding one per cent ophthalmic solution;	51
(5) Tropicamide in a potency not exceeding one per cent	52
ophthalmic solution;	53
(6) Cyclopentolate in a potency not exceeding one per cent	54
ophthalmic solution;	55
(7) Any other topical ocular pharmaceutical agents if the	56
primary indications for their use are consistent with the purposes	57
set forth in division (A)(1) of this section, their new drug	58
application is approved by and the potency in which they may be	59
used for evaluative purposes has been established by the federal	60
food and drug administration after January 1, 1983, and their use	61
for the purposes set forth in division (A)(1) of this section has	62
been approved by rule of the state board of optometry <u>a drug that</u>	63
<u>may be used in accordance with section 4725.011 of the Revised</u>	64
<u>Code by a licensed optometrist who holds a topical ocular</u>	65
<u>pharmaceutical agents certificate.</u>	66
(C) "Therapeutic pharmaceutical agent" means a <u>topical ocular</u>	67
pharmaceutical agent or any of the following drugs or dangerous	68
drugs that is used for examination, investigation, diagnosis, or	69
prevention of disease, injury, or other abnormal condition of the	70
visual system or for treatment or cure of disease, injury, or	71
other abnormal condition of the anterior segment of the human eye	72
and is an anti-microbial, anti-allergy, anti-glaucoma, topical	73
anti-inflammatory, or cycloplegic agent, or an analgesic.	74

(1) A topical ophthalmic preparation;	75
(2) Oral dosage of any of the following drugs:	76
(a) Acetazolamide;	77
(b) Astemizole;	78
(c) Dichlorphenamide;	79
(d) Diphenhydramine;	80
(e) Glycerin in a fifty per cent solution;	81
(f) Isosorbide in a forty five per cent solution;	82
(g) Methazolamide;	83
(h) Analgesics that may be legally sold without prescription;	84
(i) Terfenadine;	85
(j) Ampicillin in a two hundred fifty milligram or five hundred milligram dosage;	86 87
(k) Cefaclor in a two hundred fifty milligram or five hundred milligram dosage;	88 89
(l) Cephalexin in a two hundred fifty milligram or five hundred milligram dosage;	90 91
(m) Dicloxacillin in a two hundred fifty milligram or five hundred milligram dosage;	92 93
(n) Doxycycline in a fifty milligram or one hundred milligram dosage;	94 95
(o) Erythromycin in a two hundred fifty milligram, three hundred and thirty three milligram, or five hundred milligram dosage;	96 97 98
(p) Penicillin VK in a two hundred fifty milligram or five hundred milligram dosage;	99 100
(q) Tetracycline in a two hundred fifty milligram or five	101

hundred milligram dosage.	102
(3) Any other oral dosage of a drug or dangerous drug that is listed by rule adopted by the state board of optometry under section 4725.09 of the Revised Code <u>drug that may be used in accordance with section 4725.012 of the Revised Code by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate.</u>	103 104 105 106 107 108
(D) "Drug" and "dangerous drug" have <u>has</u> the same meanings <u>meaning</u> as in section 4729.01 of the Revised Code.	109 110
(E) <u>"Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	111 112
(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies, or the administration of a drug by injection.	113 114 115 116 117 118
(F) (G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	119 120
(G) (H) "Certificate of licensure" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.	121 122 123 124
(H) (I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.	125 126 127 128
(I) (J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the state board of optometry under division (A)(3) or (4) of section 4725.13 of the Revised Code	129 130 131

authorizing the holder to practice optometry as provided in 132
division (A)(3) of this section. 133

Sec. 4725.011. (A) Subject to division (B) of this section, a 134
licensed optometrist who holds a topical ocular pharmaceutical 135
agents certificate is practicing within the optometrist's scope of 136
practice when the optometrist administers a drug topically for 137
evaluative purposes in the practice of optometry as specified in 138
division (A)(1) of section 4725.01 of the Revised Code. 139

(B) A licensed optometrist who holds a topical ocular 140
pharmaceutical agents certificate is not authorized to do any of 141
the following: 142

(1) Administer a drug by any method other than topical 143
administration; 144

(2) Administer a schedule II controlled substance; 145

(3) Administer a schedule III controlled substance or its 146
equivalent unless the drug is authorized by the state board of 147
optometry in rules adopted under section 4725.091 of the Revised 148
Code. 149

Sec. 4725.012. (A) Subject to division (B) of this section, a 150
licensed optometrist who holds a therapeutic pharmaceutical agents 151
certificate is practicing within the optometrist's scope of 152
practice when the optometrist administers or prescribes a drug for 153
purposes of diagnosis, treatment or prevention of injury, or 154
treatment or management of disease or any other abnormal condition 155
within or originating from the visual system. The optometrist's 156
scope of practice includes the topical administration of drugs 157
that may be administered by a licensed optometrist who holds a 158
topical ocular pharmaceutical agents certificate. 159

(B) A licensed optometrist who holds a therapeutic 160
pharmaceutical agents certificate is not authorized to do any of 161

<u>the following:</u>	162
<u>(1) Administer a drug by injection except as provided in</u>	163
<u>division (C) of this section;</u>	164
<u>(2) Administer or prescribe a schedule II controlled</u>	165
<u>substance;</u>	166
<u>(3) Administer or prescribe a schedule III controlled</u>	167
<u>substance or its equivalent unless the drug is authorized by the</u>	168
<u>board in rules adopted under section 4729.091 of the Revised Code.</u>	169
<u>(C) A licensed optometrist who holds a therapeutic</u>	170
<u>pharmaceutical agents certificate is authorized to perform the</u>	171
<u>following invasive procedures:</u>	172
<u>(1) Administration of a drug by injection for purposes of</u>	173
<u>counteracting anaphylaxis or an anaphylactic reaction;</u>	174
<u>(2) Use of a device that infiltrates human tissue for</u>	175
<u>purposes of testing the level of glucose in an individual's blood.</u>	176
Sec. 4725.09. (A) The state board of optometry shall adopt	177
rules as it considers necessary to govern the practice of	178
optometry and to administer and enforce sections 4725.01 to	179
4725.34 of the Revised Code. All rules adopted under sections	180
4725.01 to 4725.34 of the Revised Code shall be adopted in	181
accordance with Chapter 119. of the Revised Code.	182
(B) The board, in consultation with the state board of	183
pharmacy, shall adopt rules specifying oral dosages of drugs or	184
dangerous drugs that are therapeutic pharmaceutical agents under	185
division (C)(3) of section 4725.01 of the Revised Code.	186
(C) The board shall adopt rules that establish standards to	187
be met and procedures to be followed with respect to the	188
delegation by an optometrist of the performance of an optometric	189
task to a person who is not licensed or otherwise specifically	190
authorized by the Revised Code to perform the task. The rules	191

shall permit an optometrist who holds a topical ocular 192
pharmaceutical agents certificate or therapeutic pharmaceutical 193
agents certificate to delegate the administration of drugs 194
included in the optometrist's scope of practice. 195

The rules adopted under this division shall provide for all 196
of the following: 197

(1) On-site supervision when the delegation occurs in an 198
institution or other facility that is used primarily for the 199
purpose of providing health care, unless the board established a 200
specific exception to the on-site supervision requirement with 201
respect to routine administration of a topical drug; 202

(2) Evaluation of whether delegation is appropriate according 203
to the acuity of the patient involved; 204

(3) Training and competency requirements that must be met by 205
the person administering the drugs; 206

(4) Other standards and procedures the board considers 207
relevant. 208

Sec. 4725.091. (A) The state board of optometry shall adopt 209
rules governing the authority of licensed optometrists to 210
administer schedule III controlled substances under a topical 211
ocular pharmaceutical agents certificate and to administer and 212
prescribe schedule III controlled substances under a therapeutic 213
pharmaceutical agents certificate. The rules shall be adopted in 214
accordance with Chapter 119. of the Revised Code and in 215
consultation with the state board of pharmacy. 216

(B) All of the following apply to the state board of 217
optometry in the adoption of rules under this section: 218

(1) The board shall not permit an optometrist to administer 219
or prescribe a schedule III controlled substance other than a drug 220
included in section 3719.41 of the Revised Code within the 221

schedule III narcotics-narcotic preparations category or a drug 222
added by the board pursuant to division (B)(2) of this section. 223

(2) If a drug becomes available in the marketplace that the 224
board determines is the equivalent of a drug included in section 225
3719.41 of the Revised Code within the schedule III 226
narcotics-narcotic preparations category, the board may add the 227
drug to the list of schedule III controlled substances that an 228
optometrist may administer or prescribe. 229

(3) The board shall limit the schedule III controlled 230
substances that optometrists may administer or prescribe to the 231
drugs that the board determines are appropriate for use in the 232
practice of optometry under a topical ocular pharmaceutical agents 233
certificate or therapeutic pharmaceutical agents certificate. 234

(4) With regard to prescribing schedule III controlled 235
substances, the board shall establish prescription protocols to be 236
followed by optometrists who hold therapeutic pharmaceutical 237
agents certificates. The board shall take into account the 238
prescription protocols that exist within the health care 239
marketplace and are used in other states that grant optometrists 240
the authority to prescribe drugs. 241

(5) The board shall establish standards and procedures 242
governing the administration and prescription of schedule III 243
controlled substances by taking into consideration and examining 244
issues that include the appropriate length of drug therapy, 245
appropriate protocols for drug treatment, necessary monitoring 246
systems, and any other factors the board considers relevant. 247

(6) The board shall conduct an annual review of the rules 248
adopted under this section. 249

Sec. 4725.16. (A) Each certificate of licensure, topical 250
ocular pharmaceutical agents certificate, and therapeutic 251

pharmaceutical agents certificate issued by the state board of 252
optometry shall expire annually on the last day of December, and 253
may be renewed in accordance with this section and the standard 254
renewal procedure established under Chapter 4745. of the Revised 255
Code. 256

An optometrist seeking to continue to practice optometry 257
shall file with the board an application for license renewal. The 258
application shall be in such form and require such pertinent 259
professional biographical data as the board may require. 260

(B) All licensed optometrists shall annually complete 261
continuing education in subjects relating to the practice of 262
optometry, to the end that the utilization and application of new 263
techniques, scientific and clinical advances, and the achievements 264
of research will assure comprehensive care to the public. The 265
board shall prescribe by rule the continuing optometric education 266
that licensed optometrists must complete. The length of study 267
shall be ~~determined by the board but shall be not less than six~~ 268
~~nor more than~~ twenty-five clock hours each year, ~~except that the~~ 269
~~board shall prescribe an additional five~~ including ten clock hours 270
of instruction in pharmacology to be completed by all licensed 271
optometrists ~~who hold topical ocular pharmaceutical agents~~ 272
~~certificates or therapeutic pharmaceutical agents certificates.~~ 273

Unless the continuing education required under this division 274
is waived or deferred under division (D) of this section, the 275
continuing education must be completed during the twelve-month 276
period beginning on the first day of October and ending on the 277
last day of September. If the board receives notice from a 278
continuing education program indicating that an optometrist 279
completed the program after the last day of September, and the 280
optometrist wants to use the continuing education completed after 281
that day to renew the license that expires on the last day of 282
December of that year, the optometrist shall pay the penalty 283

specified under section 4725.34 of the Revised Code for late 284
completion of continuing education. 285

At least once annually, the board shall mail to each licensed 286
optometrist a list of courses approved in accordance with 287
standards prescribed by board rule. Upon the request of a licensed 288
optometrist, the executive director of the board shall supply a 289
list of additional courses that the board has approved subsequent 290
to the most recent mailing of the list of approved courses. 291

(C)(1) Annually, ~~by not later than~~ the first day of November, 292
the board shall mail ~~to each licensed optometrist~~ a notice 293
regarding license renewal ~~and to each licensed optometrist who may~~ 294
be eligible for renewal. The notice shall be sent to the 295
optometrist's last address shown in the board's records. If the 296
board knows that the optometrist has completed the required 297
continuing optometric education for the year, the board may 298
include with the notice an application for license renewal. ~~The~~ 299
~~application shall be in such form and require such pertinent~~ 300
~~professional biographical data as the board may require. An~~ 301
~~optometrist seeking to continue to practice optometry shall file~~ 302
~~the renewal application with the board. Filing the~~ 303

(2) Filing a license renewal application with the board shall 304
serve as notice by the optometrist that the continuing optometric 305
education requirement has been successfully completed. If 306

~~If~~ the board finds that an optometrist has not completed the 307
required continuing optometric education, the board shall 308
disapprove the optometrist's application. The board's disapproval 309
of renewal is effective without a hearing, unless a hearing is 310
requested pursuant to Chapter 119. of the Revised Code. ~~The~~ 311

(3) The board shall refuse to accept an application for 312
renewal from any applicant whose license is not in good standing 313
or who is under disciplinary review pursuant to section 4725.19 of 314

the Revised Code. ~~Notice~~ 315

(4) Notice of an applicant's failure to qualify for renewal 316
shall be served upon the applicant by mail, ~~which. The notice~~ 317
shall be sent ~~on or before~~ not later than the fifteenth day of 318
November to the applicant's last address shown in the board's 319
records. 320

(D) In cases of certified illness or undue hardship, the 321
board may waive or defer for up to twelve months the requirement 322
of continuing optometric education, except that in such cases the 323
board may not waive or defer the continuing education in 324
pharmacology required to be completed by optometrists who hold 325
topical ocular pharmaceutical agents certificates or therapeutic 326
pharmaceutical agents certificates. The board shall waive the 327
requirement of continuing optometric education for any optometrist 328
who is serving in the armed forces of the United States or who has 329
received an initial certificate of licensure during the nine-month 330
period which ended on the last day of September. 331

(E) ~~The board shall approve all applications for renewal that~~ 332
~~are not disapproved or refused under division (C) of this section.~~ 333
An optometrist whose renewal application has been approved may 334
renew each certificate held by paying to the treasurer of state 335
the fees for renewal specified under section 4725.34 of the 336
Revised Code. On payment of all applicable fees, the board shall 337
issue a renewal of the optometrist's certificate of licensure, 338
topical ocular pharmaceutical agents certificate, and therapeutic 339
pharmaceutical agents certificate, as appropriate. 340

(F) ~~A notice shall be sent to every licensed optometrist who~~ 341
~~fails to file the renewal application provided under division (C)~~ 342
~~of this section, at the optometrist's last address, at least one~~ 343
~~month in advance of the last day of December, which is the date of~~ 344
~~expiration. A second notice shall be sent~~ Not later than the 345
fifteenth day of December, the board shall mail a second notice 346

regarding license renewal to each licensed optometrist who may be 347
eligible for renewal but did not respond to the notice sent under 348
division (C)(1) of this section. The notice shall be sent to the 349
optometrist's last address shown in the board's records. If an 350
optometrist fails to file a renewal application after the second 351
notice is sent, the board shall send a third notice regarding 352
license renewal prior to any action under division (I) of this 353
section to classify the optometrist's certificates as delinquent, 354
~~to every optometrist failing to respond to the preceding notice.~~ 355

(G) The failure of an optometrist to apply for license 356
renewal or the failure to pay the applicable annual renewal fees 357
on or before the date of expiration, shall automatically work a 358
forfeiture of the optometrist's authority to practice optometry in 359
this state. 360

(H) The board shall accept renewal applications and renewal 361
fees that are submitted from the first day of January to the last 362
day of April of the year next succeeding the date of expiration. 363
An individual who submits such a late renewal application or fee 364
shall pay the late renewal fee specified in section 4725.34 of the 365
Revised Code. 366

(I)(1) If the certificates issued by the board to an 367
individual have expired and the individual has not filed a 368
complete application during the late renewal period, the 369
individual's certificates shall be classified in the board's 370
records as delinquent. 371

(2) Any optometrist subject to delinquent classification may 372
submit a written application to the board for reinstatement. For 373
reinstatement to occur, the applicant must meet all of the 374
following conditions: 375

(a) Submit to the board evidence of compliance with board 376
rules requiring continuing optometric education in a sufficient 377

number of hours to make up for any delinquent compliance; 378

(b) Pay the renewal fees for the year in which application 379
for reinstatement is made and the reinstatement fee specified 380
under division (A)(8) of section 4725.34 of the Revised Code; 381

(c) Pass all or part of the licensing examination accepted by 382
the board under section 4725.11 of the Revised Code as the board 383
considers appropriate to determine whether the application for 384
reinstatement should be approved; 385

(d) If the applicant has been practicing optometry in another 386
state or country, submit evidence that the applicant's license to 387
practice optometry in the other state or country is in good 388
standing. 389

(3) The board shall approve an application for reinstatement 390
if the conditions specified in division (I)(2) of this section are 391
met. An optometrist who receives reinstatement is subject to the 392
continuing education requirements specified under division (B) of 393
this section for the year in which reinstatement occurs. 394

Sec. 4725.23. (A) The state board of optometry shall 395
investigate evidence that appears to show that a person has 396
violated any provision of sections 4725.01 to 4725.34 of the 397
Revised Code or any rule adopted under those sections. 398
Investigations of alleged violations shall be supervised by the 399
member of the board appointed by the board to act as the 400
supervising member of investigations. The supervising member shall 401
not participate in the final vote that occurs in an adjudication 402
of the case. 403

(B) In investigating a possible violation, the board may 404
administer oaths, order the taking of depositions, issue 405
subpoenas, and compel the attendance of witnesses and production 406
of books, accounts, papers, records, documents, and testimony. A 407

subpoena for patient record information shall not be issued 408
without consultation with the attorney general's office and 409
approval of the secretary of the board and the board's supervising 410
member of investigations. Before issuance of a subpoena for 411
patient record information, the secretary and supervising member 412
shall determine whether there is probable cause to believe that 413
the complaint filed alleges a violation of sections 4725.01 to 414
4725.34 of the Revised Code or any rule adopted under those 415
sections and that the records sought are relevant to the alleged 416
violation and material to the investigation. The subpoena may 417
apply only to records that cover a reasonable period of time 418
surrounding the alleged violation. 419

On failure to comply with any subpoena issued by the board 420
and after reasonable notice to the person being subpoenaed, the 421
board may move for an order compelling the production of persons 422
or records pursuant to the Rules of Civil Procedure. 423

A subpoena issued by the board may be served by a sheriff, 424
the sheriff's deputy, or a board employee designated by the board. 425
Service of a subpoena issued by the board may be made by 426
delivering a copy of the subpoena to the person named therein, 427
reading it to the person, or leaving it at the person's usual 428
place of residence. When the person being served is an optometrist 429
licensed under ~~by~~ this chapter, service of the subpoena may be 430
made by certified mail, restricted delivery, return receipt 431
requested, and the subpoena shall be deemed served on the date 432
delivery is made or the date the optometrist refuses to accept 433
delivery. 434

Each witness who appears before the board in obedience to a 435
subpoena shall receive the fees and mileage provided for witnesses 436
in civil cases in the courts of common pleas. 437

(C) Information received by the board pursuant to an 438
investigation is confidential and not subject to discovery in any 439

civil action. 440

The board shall conduct all investigations and proceedings in 441
a manner that protects the confidentiality of patients and persons 442
who file complaints with the board. The board shall not make 443
public the names or any other identifying information about 444
patients or complainants unless proper consent is given. 445

The board may share any information it receives pursuant to 446
an investigation, including patient records and patient record 447
information, with other licensing boards and governmental agencies 448
that are investigating alleged professional misconduct and with 449
law enforcement agencies and other governmental agencies that are 450
investigating or prosecuting alleged criminal offenses. A board or 451
agency that receives the information shall comply with the same 452
requirements regarding confidentiality as those with which the 453
state board of optometry must comply, notwithstanding any 454
conflicting provision of the Revised Code or procedure of the 455
board or agency that applies when the board or agency is dealing 456
with other information in its possession. The information may be 457
admitted into evidence in a criminal trial in accordance with the 458
Rules of Evidence, but the court shall require that appropriate 459
measures are taken to ensure that confidentiality is maintained 460
with respect to any part of the information that contains names or 461
other identifying information about persons whose confidentiality 462
was protected by the state board of optometry when the information 463
was in the board's possession. Measures to ensure confidentiality 464
that may be taken by the court include sealing its records or 465
deleting specific information from its records. 466

Sec. 4725.26. Division (A) of section 4725.02 of the Revised 467
Code does not apply to the following: 468

(A) Physicians authorized to practice medicine and surgery or 469
osteopathic medicine and surgery under Chapter 4731. of the 470

Revised Code; 471

(B) Persons who sell optical accessories but do not assume to 472
adapt them to the eye, and neither practice nor profess to 473
practice optometry; 474

(C) An instructor in a school of optometry that is located in 475
this state and approved by the state board of optometry under 476
section 4725.10 of the Revised Code who holds a valid current 477
license to practice optometry from a licensing body in another 478
jurisdiction and limits the practice of optometry to the 479
instruction of students enrolled in the school. 480

(D) A student ~~at~~ enrolled in a school of optometry, located 481
in this or another state and approved by the board under section 482
4725.10 of the Revised Code, while enrolled the student is 483
participating in this state in an optometry training program ~~and~~ 484
acting provided or sponsored by the school, if the student acts 485
under the direct, personal supervision and control of an 486
optometrist licensed by the board or authorized to practice 487
pursuant to division (C) of this section. 488

(E) An individual who is licensed or otherwise specifically 489
authorized by the Revised Code to engage in an activity that is 490
included in the practice of optometry. 491

(F) An individual who is not licensed or otherwise 492
specifically authorized by the Revised Code to engage in an 493
activity that is included in the practice of optometry, but is 494
acting pursuant to the rules for delegation of optometric tasks 495
adopted under section 4725.09 of the Revised Code. 496

Sec. 4725.28. (A) As used in this section, "supplier" means 497
any person who prepares or sells optical accessories or other 498
vision correcting items, devices, or procedures. 499

(B) A licensed optometrist, on completion of a vision 500

examination and diagnosis, shall give each patient for whom the
optometrist prescribes any vision correcting item, device, or
procedure, one copy of the prescription, without additional charge
to the patient. The prescription shall include the following:

(1) The date of its issuance;

(2) Sufficient information to enable the patient to obtain
from the supplier of the patient's choice, the optical accessory
or other vision correcting item, device, or procedure that has
been prescribed;

(3) In the case of contact lenses, all information specified
as part of a contact lens prescription, as defined in the
"Fairness to Contact Lens Consumers Act," 117 Stat. 2004 (2003),
U.S.C. 7610.

(C) Any supplier who fills a prescription for contact lenses
furnished by an optometrist shall furnish the patient with written
recommendations to return to the prescribing optometrist for
evaluation of the contact lens fitting.

(D) Any supplier, including an optometrist who is a supplier,
may advertise to inform the general public of the price that the
supplier charges for any vision correcting item, device, or
procedure. Any such advertisement shall specify the following:

(1) Whether the advertised item includes an eye examination;

(2) In the case of lenses, whether the price applies to
single-vision or multifocal lenses;

(3) In the case of contact lenses, whether the price applies
to rigid or soft lenses and whether there is an additional charge
related to the fitting and determination of the type of contact
lenses to be worn that is not included in the price of the eye
examination.

(E) The state board of optometry shall not adopt any rule

that restricts the right to advertise as permitted by division (D) 531
of this section. 532

(F) Any municipal corporation code, ordinance, or regulation 533
or any township resolution that conflicts with a supplier's right 534
to advertise as permitted by division (D) of this section is 535
superseded by division (D) of this section and is invalid. A 536
municipal corporation code, ordinance, or regulation or a township 537
resolution conflicts with division (D) of this section if it 538
restricts a supplier's right to advertise as permitted by division 539
(D) of this section. 540

Sec. 4731.44. (A) As used in this section, "supplier" has the 541
same meaning as in section 4725.28 of the Revised Code. 542

(B) An individual authorized under this chapter to practice 543
medicine and surgery or osteopathic medicine and surgery, on 544
completion of a vision examination and diagnosis, shall give each 545
patient for whom the individual prescribes any vision correcting 546
item, device, or procedure, one copy of the prescription, without 547
additional charge to the patient. The prescription shall include 548
the following: 549

(1) The date of its issuance; 550

(2) Sufficient information to enable the patient to obtain 551
from the supplier of the patient's choice, the vision correcting 552
item, device, or procedure that has been prescribed; 553

(3) In the case of contact lenses, all information specified 554
as part of a contact lens prescription, as defined in the 555
"Fairness to Contact Lens Consumers Act," 117 Stat. 2004 (2003), 556
U.S.C. 7610. 557

(C) Any supplier who fills a prescription for contact lenses 558
furnished by an individual authorized under this chapter to 559
practice medicine and surgery or osteopathic medicine and surgery 560

shall furnish the patient with written recommendations to return 561
to the prescribing doctor for evaluation of the contact lens 562
fitting. 563

(D) Any supplier, including an individual authorized under 564
this chapter to practice medicine and surgery or osteopathic 565
medicine and surgery who is a supplier, may advertise to inform 566
the general public of the price that the supplier charges for any 567
vision correcting item, device, or procedure. An advertisement of 568
that nature shall specify the following: 569

(1) Whether the price includes an eye examination; 570

(2) In the case of lenses, whether the price applies to 571
single-vision or multifocal lenses; 572

(3) In the case of contact lenses, whether the price applies 573
to rigid or soft lenses and whether there is an additional charge 574
related to the fitting and determination of the type of contact 575
lenses to be worn that is not included in the price of the eye 576
examination. 577

(E) The state medical board shall not adopt any rule that 578
restricts the right to advertise as permitted by division (D) of 579
this section. 580

(F) Any municipal corporation code, ordinance, or regulation 581
or any township resolution that conflicts with a supplier's right 582
to advertise as permitted by division (D) of this section is 583
superseded by division (D) of this section and is invalid. A 584
municipal corporation code, ordinance, or regulation or a township 585
resolution conflicts with division (D) of this section if it 586
restricts a supplier's right to advertise as permitted by division 587
(D) of this section. 588

Section 2. That existing sections 4725.01, 4725.09, 4725.16, 589
4725.23, 4725.26, 4725.28, and 4731.44 of the Revised Code are 590
hereby repealed. 591