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**Representatives Daniels, Strahorn**

**Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon, McGregor, J., Wolpert, Luckie, Gibbs, Hagan, R., Combs, Flowers, Healy, Setzer, Hagan, J., Lundy, Williams, S., Heard, Sykes, Widener, Hughes, Adams, Garrison, Uecker, Huffman, DeBose, Fessler, Distel, Blessing, Patton, Domenick, Fende, Bulp, Beatty, Collier, Peterson, Okey, Stewart, D., Foley, Boyd, Carmichael, Reinhard, Hite, Brown, Gerberry, Koziura, Miller, Sayre, Seitz, Ujvagi, Wachtmann, Webster, Zehringer**

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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 optical principles, through technical methods and devices, in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers, adapting optical accessories for the aid thereof, and detecting ocular abnormalities that may be evidence of disease, pathology, or injury.

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

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

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

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

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

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

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

<del>(1) Proparacaine hydrochloride in a potency not exceeding</del>	44
<del>five tenths of one per cent ophthalmic solution;</del>	45
<del>(2) Benoxinate hydrochloride in a potency not exceeding</del>	46
<del>four tenths of one per cent ophthalmic solution;</del>	47
<del>(3) Phenylephrine hydrochloride in a potency not exceeding</del>	48
<del>two and five tenths per cent ophthalmic solution;</del>	49
<del>(4) Hydroxyamphetamine hydrobromide in a potency not</del>	50
<del>exceeding one per cent ophthalmic solution;</del>	51
<del>(5) Tropicamide in a potency not exceeding one per cent</del>	52
<del>ophthalmic solution;</del>	53
<del>(6) Cyclopentolate in a potency not exceeding one per cent</del>	54
<del>ophthalmic solution;</del>	55
<del>(7) Any other topical ocular pharmaceutical agents if the</del>	56
<del>primary indications for their use are consistent with the purposes</del>	57
<del>set forth in division (A)(1) of this section, their new drug</del>	58
<del>application is approved by and the potency in which they may be</del>	59
<del>used for evaluative purposes has been established by the federal</del>	60
<del>food and drug administration after January 1, 1983, and their use</del>	61
<del>for the purposes set forth in division (A)(1) of this section has</del>	62
<del>been approved by rule of the state board of optometry <u>a drug that</u></del>	63
<del><u>may be used in accordance with section 4725.011 of the Revised</u></del>	64
<del><u>Code by a licensed optometrist who holds a topical ocular</u></del>	65
<del><u>pharmaceutical agents certificate.</u></del>	66
<del>(C) "Therapeutic pharmaceutical agent" means a topical ocular</del>	67
<del>pharmaceutical agent or any of the following drugs or dangerous</del>	68
<del>drugs that is used for examination, investigation, diagnosis, or</del>	69
<del>prevention of disease, injury, or other abnormal condition of the</del>	70
<del>visual system or for treatment or cure of disease, injury, or</del>	71
<del>other abnormal condition of the anterior segment of the human eye</del>	72
<del>and is an anti-microbial, anti-allergy, anti-glaucoma, topical</del>	73
<del>anti-inflammatory, or cycloplegic agent, or an analgesic;</del>	74

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

<del>hundred milligram dosage.</del>	102
<del>(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</del> <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 the same meanings 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, <del>administering medication by injection, or the removal of intraocular foreign bodies, or the administration of a drug by injection.</del>	113 114 115 116 117 118
<del>(F)</del> (G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	119 120
<del>(G)</del> (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
<del>(H)</del> (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
<del>(I)</del> (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 licensed optometrist who holds a topical 134  
ocular pharmaceutical agents certificate is practicing within the 135  
optometrist's scope of practice when the optometrist administers a 136  
drug topically for evaluative purposes in the practice of 137  
optometry as specified in division (A)(1) of section 4725.01 of 138  
the Revised Code. 139

Sec. 4725.012. (A) Subject to division (B) of this section, a 140  
licensed optometrist who holds a therapeutic pharmaceutical agents 141  
certificate is practicing within the optometrist's scope of 142  
practice when the optometrist administers or prescribes a drug for 143  
purposes of diagnosis, treatment or prevention of injury, or 144  
treatment or management of disease or any other abnormal condition 145  
within or originating from the visual system. The optometrist's 146  
scope of practice includes the topical administration of drugs 147  
that may be administered by a licensed optometrist who holds a 148  
topical ocular pharmaceutical agents certificate. 149

(B) A licensed optometrist who holds a therapeutic 150  
pharmaceutical agents certificate is not authorized to do any of 151  
the following: 152

(1) Administer a drug by injection except as provided in 153  
division (C) of this section; 154

(2) Administer or prescribe a controlled substance unless the 155  
drug is a schedule III controlled substance authorized by the 156  
board in rules adopted under section 4729.091 of the Revised Code. 157

(C) A licensed optometrist who holds a therapeutic 158  
pharmaceutical agents certificate is authorized to perform the 159  
following invasive procedures: 160

(1) Administration of a drug by injection for purposes of 161

counteracting anaphylaxis or an anaphylactic reaction; 162

(2) Use of a device that infiltrates human tissue for 163

purposes of testing the level of glucose in an individual's blood. 164

**Sec. 4725.09.** (A) The state board of optometry shall adopt 165  
rules as it considers necessary to govern the practice of 166  
optometry and to administer and enforce sections 4725.01 to 167  
4725.34 of the Revised Code. All rules adopted under sections 168  
4725.01 to 4725.34 of the Revised Code shall be adopted in 169  
accordance with Chapter 119. of the Revised Code. 170

~~(B) The board, in consultation with the state board of 171  
pharmacy, shall adopt rules specifying oral dosages of drugs or 172  
dangerous drugs that are therapeutic pharmaceutical agents under 173  
division (C)(3) of section 4725.01 of the Revised Code.~~ 174

~~(C)~~ The board shall adopt rules that establish standards to 175  
be met and procedures to be followed with respect to the 176  
delegation by an optometrist of the performance of an optometric 177  
task to a person who is not licensed or otherwise specifically 178  
authorized by the Revised Code to perform the task. The rules 179  
shall permit an optometrist who holds a topical ocular 180  
pharmaceutical agents certificate or therapeutic pharmaceutical 181  
agents certificate to delegate the administration of drugs 182  
included in the optometrist's scope of practice. 183

The rules adopted under this division shall provide for all 184  
of the following: 185

(1) On-site supervision when the delegation occurs in an 186  
institution or other facility that is used primarily for the 187  
purpose of providing health care, unless the board established a 188  
specific exception to the on-site supervision requirement with 189  
respect to routine administration of a topical drug; 190

(2) Evaluation of whether delegation is appropriate according 191

to the acuity of the patient involved; 192

(3) Training and competency requirements that must be met by 193  
the person administering the drugs; 194

(4) Other standards and procedures the board considers 195  
relevant. 196

Sec. 4725.091. (A) The state board of optometry shall adopt 197  
rules governing the authority of licensed optometrists to 198  
administer and prescribe schedule III controlled substances under 199  
a therapeutic pharmaceutical agents certificate. The rules shall 200  
be adopted in accordance with Chapter 119. of the Revised Code and 201  
in consultation with the state board of pharmacy. 202

(B) All of the following apply to the state board of 203  
optometry in the adoption of rules under this section: 204

(1) The board shall not permit an optometrist to administer 205  
or prescribe a schedule III controlled substance other than a drug 206  
included in section 3719.41 of the Revised Code within the 207  
schedule III narcotics-narcotic preparations category. 208

(2) The board shall limit the schedule III controlled 209  
substances that optometrists may administer or prescribe to the 210  
drugs that the board determines are appropriate for use in the 211  
practice of optometry under a therapeutic pharmaceutical agents 212  
certificate. 213

(3) With regard to prescribing schedule III controlled 214  
substances, the board shall establish prescribing standards to be 215  
followed by optometrists who hold therapeutic pharmaceutical 216  
agents certificates. The board shall take into account the 217  
prescribing standards that exist within the health care 218  
marketplace and are used in other states that grant optometrists 219  
the authority to prescribe drugs. 220

(4) The board shall establish standards and procedures 221



governing administering and prescribing schedule III controlled 222  
substances by taking into consideration and examining issues that 223  
include the appropriate length of drug therapy, appropriate 224  
standards for drug treatment, necessary monitoring systems, and 225  
any other factors the board considers relevant. 226

**Sec. 4725.16.** (A) Each certificate of licensure, topical 227  
ocular pharmaceutical agents certificate, and therapeutic 228  
pharmaceutical agents certificate issued by the state board of 229  
optometry shall expire annually on the last day of December, and 230  
may be renewed in accordance with this section and the standard 231  
renewal procedure established under Chapter 4745. of the Revised 232  
Code. 233

An optometrist seeking to continue to practice optometry 234  
shall file with the board an application for license renewal. The 235  
application shall be in such form and require such pertinent 236  
professional biographical data as the board may require. 237

(B) All licensed optometrists shall annually complete 238  
continuing education in subjects relating to the practice of 239  
optometry, to the end that the utilization and application of new 240  
techniques, scientific and clinical advances, and the achievements 241  
of research will assure comprehensive care to the public. The 242  
board shall prescribe by rule the continuing optometric education 243  
that licensed optometrists must complete. The length of study 244  
~~shall be determined by the board but shall be not less than six~~ 245  
~~nor more than~~ twenty-five clock hours each year, ~~except that the~~ 246  
~~board shall prescribe an additional five~~ including ten clock hours 247  
of instruction in pharmacology to be completed by all licensed 248  
~~optometrists who hold topical ocular pharmaceutical agents~~ 249  
~~certificates or therapeutic pharmaceutical agents certificates.~~ 250

Unless the continuing education required under this division 251  
is waived or deferred under division (D) of this section, the 252

continuing education must be completed during the twelve-month 253  
period beginning on the first day of October and ending on the 254  
last day of September. If the board receives notice from a 255  
continuing education program indicating that an optometrist 256  
completed the program after the last day of September, and the 257  
optometrist wants to use the continuing education completed after 258  
that day to renew the license that expires on the last day of 259  
December of that year, the optometrist shall pay the penalty 260  
specified under section 4725.34 of the Revised Code for late 261  
completion of continuing education. 262

At least once annually, the board shall mail to each licensed 263  
optometrist a list of courses approved in accordance with 264  
standards prescribed by board rule. Upon the request of a licensed 265  
optometrist, the executive director of the board shall supply a 266  
list of additional courses that the board has approved subsequent 267  
to the most recent mailing of the list of approved courses. 268

(C)(1) ~~Annually, by not later than~~ the first day of November, 269  
the board shall mail ~~to each licensed optometrist~~ a notice 270  
regarding license renewal ~~and to each licensed optometrist who may~~ 271  
be eligible for renewal. The notice shall be sent to the 272  
optometrist's last address shown in the board's records. If the 273  
board knows that the optometrist has completed the required 274  
continuing optometric education for the year, the board may 275  
include with the notice an application for license renewal. The 276  
~~application shall be in such form and require such pertinent~~ 277  
~~professional biographical data as the board may require. An~~ 278  
~~optometrist seeking to continue to practice optometry shall file~~ 279  
~~the renewal application with the board. Filing the~~ 280

(2) Filing a license renewal application with the board shall 281  
serve as notice by the optometrist that the continuing optometric 282  
education requirement has been successfully completed. If 283

~~If~~ the board finds that an optometrist has not completed the 284

required continuing optometric education, the board shall 285  
disapprove the optometrist's application. The board's disapproval 286  
of renewal is effective without a hearing, unless a hearing is 287  
requested pursuant to Chapter 119. of the Revised Code. ~~The~~ 288

(3) The board shall refuse to accept an application for 289  
renewal from any applicant whose license is not in good standing 290  
or who is under disciplinary review pursuant to section 4725.19 of 291  
the Revised Code. ~~Notice~~ 292

(4) Notice of an applicant's failure to qualify for renewal 293  
shall be served upon the applicant by mail, ~~which.~~ The notice 294  
shall be sent ~~on or before~~ not later than the fifteenth day of 295  
November to the applicant's last address shown in the board's 296  
records. 297

(D) In cases of certified illness or undue hardship, the 298  
board may waive or defer for up to twelve months the requirement 299  
of continuing optometric education, except that in such cases the 300  
board may not waive or defer the continuing education in 301  
pharmacology required to be completed by optometrists who hold 302  
topical ocular pharmaceutical agents certificates or therapeutic 303  
pharmaceutical agents certificates. The board shall waive the 304  
requirement of continuing optometric education for any optometrist 305  
who is serving in the armed forces of the United States or who has 306  
received an initial certificate of licensure during the nine-month 307  
period which ended on the last day of September. 308

~~(E) The board shall approve all applications for renewal that~~ 309  
~~are not disapproved or refused under division (C) of this section.~~ 310  
An optometrist whose renewal application has been approved may 311  
renew each certificate held by paying to the treasurer of state 312  
the fees for renewal specified under section 4725.34 of the 313  
Revised Code. On payment of all applicable fees, the board shall 314  
issue a renewal of the optometrist's certificate of licensure, 315  
topical ocular pharmaceutical agents certificate, and therapeutic 316

pharmaceutical agents certificate, as appropriate. 317

~~(F) A notice shall be sent to every licensed optometrist who 318  
fails to file the renewal application provided under division (C) 319  
of this section, at the optometrist's last address, at least one 320  
month in advance of the last day of December, which is the date of 321  
expiration. A second notice shall be sent Not later than the 322  
fifteenth day of December, the board shall mail a second notice 323  
regarding license renewal to each licensed optometrist who may be 324  
eligible for renewal but did not respond to the notice sent under 325  
division (C)(1) of this section. The notice shall be sent to the 326  
optometrist's last address shown in the board's records. If an 327  
optometrist fails to file a renewal application after the second 328  
notice is sent, the board shall send a third notice regarding 329  
license renewal prior to any action under division (I) of this 330  
section to classify the optometrist's certificates as delinquent, 331  
to every optometrist failing to respond to the preceding notice. 332~~

(G) The failure of an optometrist to apply for license 333  
renewal or the failure to pay the applicable annual renewal fees 334  
on or before the date of expiration, shall automatically work a 335  
forfeiture of the optometrist's authority to practice optometry in 336  
this state. 337

(H) The board shall accept renewal applications and renewal 338  
fees that are submitted from the first day of January to the last 339  
day of April of the year next succeeding the date of expiration. 340  
An individual who submits such a late renewal application or fee 341  
shall pay the late renewal fee specified in section 4725.34 of the 342  
Revised Code. 343

(I)(1) If the certificates issued by the board to an 344  
individual have expired and the individual has not filed a 345  
complete application during the late renewal period, the 346  
individual's certificates shall be classified in the board's 347  
records as delinquent. 348

(2) Any optometrist subject to delinquent classification may 349  
submit a written application to the board for reinstatement. For 350  
reinstatement to occur, the applicant must meet all of the 351  
following conditions: 352

(a) Submit to the board evidence of compliance with board 353  
rules requiring continuing optometric education in a sufficient 354  
number of hours to make up for any delinquent compliance; 355

(b) Pay the renewal fees for the year in which application 356  
for reinstatement is made and the reinstatement fee specified 357  
under division (A)(8) of section 4725.34 of the Revised Code; 358

(c) Pass all or part of the licensing examination accepted by 359  
the board under section 4725.11 of the Revised Code as the board 360  
considers appropriate to determine whether the application for 361  
reinstatement should be approved; 362

(d) If the applicant has been practicing optometry in another 363  
state or country, submit evidence that the applicant's license to 364  
practice optometry in the other state or country is in good 365  
standing. 366

(3) The board shall approve an application for reinstatement 367  
if the conditions specified in division (I)(2) of this section are 368  
met. An optometrist who receives reinstatement is subject to the 369  
continuing education requirements specified under division (B) of 370  
this section for the year in which reinstatement occurs. 371

**Sec. 4725.23.** (A) The state board of optometry shall 372  
investigate evidence that appears to show that a person has 373  
violated any provision of sections 4725.01 to 4725.34 of the 374  
Revised Code or any rule adopted under those sections. 375  
Investigations of alleged violations shall be supervised by the 376  
member of the board appointed by the board to act as the 377  
supervising member of investigations. The supervising member shall 378

not participate in the final vote that occurs in an adjudication 379  
of the case. 380

(B) In investigating a possible violation, the board may 381  
administer oaths, order the taking of depositions, issue 382  
subpoenas, and compel the attendance of witnesses and production 383  
of books, accounts, papers, records, documents, and testimony. A 384  
subpoena for patient record information shall not be issued 385  
without consultation with the attorney general's office and 386  
approval of the secretary of the board and the board's supervising 387  
member of investigations. Before issuance of a subpoena for 388  
patient record information, the secretary and supervising member 389  
shall determine whether there is probable cause to believe that 390  
the complaint filed alleges a violation of sections 4725.01 to 391  
4725.34 of the Revised Code or any rule adopted under those 392  
sections and that the records sought are relevant to the alleged 393  
violation and material to the investigation. The subpoena may 394  
apply only to records that cover a reasonable period of time 395  
surrounding the alleged violation. 396

On failure to comply with any subpoena issued by the board 397  
and after reasonable notice to the person being subpoenaed, the 398  
board may move for an order compelling the production of persons 399  
or records pursuant to the Rules of Civil Procedure. 400

A subpoena issued by the board may be served by a sheriff, 401  
the sheriff's deputy, or a board employee designated by the board. 402  
Service of a subpoena issued by the board may be made by 403  
delivering a copy of the subpoena to the person named therein, 404  
reading it to the person, or leaving it at the person's usual 405  
place of residence. When the person being served is an optometrist 406  
licensed under ~~by~~ this chapter, service of the subpoena may be 407  
made by certified mail, restricted delivery, return receipt 408  
requested, and the subpoena shall be deemed served on the date 409  
delivery is made or the date the optometrist refuses to accept 410

delivery. 411

Each witness who appears before the board in obedience to a 412  
subpoena shall receive the fees and mileage provided for witnesses 413  
in civil cases in the courts of common pleas. 414

(C) Information received by the board pursuant to an 415  
investigation is confidential and not subject to discovery in any 416  
civil action. 417

The board shall conduct all investigations and proceedings in 418  
a manner that protects the confidentiality of patients and persons 419  
who file complaints with the board. The board shall not make 420  
public the names or any other identifying information about 421  
patients or complainants unless proper consent is given. 422

The board may share any information it receives pursuant to 423  
an investigation, including patient records and patient record 424  
information, with other licensing boards and governmental agencies 425  
that are investigating alleged professional misconduct and with 426  
law enforcement agencies and other governmental agencies that are 427  
investigating or prosecuting alleged criminal offenses. A board or 428  
agency that receives the information shall comply with the same 429  
requirements regarding confidentiality as those with which the 430  
state board of optometry must comply, notwithstanding any 431  
conflicting provision of the Revised Code or procedure of the 432  
board or agency that applies when the board or agency is dealing 433  
with other information in its possession. The information may be 434  
admitted into evidence in a criminal trial in accordance with the 435  
Rules of Evidence, but the court shall require that appropriate 436  
measures are taken to ensure that confidentiality is maintained 437  
with respect to any part of the information that contains names or 438  
other identifying information about persons whose confidentiality 439  
was protected by the state board of optometry when the information 440  
was in the board's possession. Measures to ensure confidentiality 441  
that may be taken by the court include sealing its records or 442

deleting specific information from its records. 443

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised Code does not apply to the following: 444  
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(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code; 446  
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(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry; 449  
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(C) An instructor in a school of optometry that is located in this state and approved by the state board of optometry under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school. 452  
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(D) A student ~~at~~ enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, ~~while enrolled~~ the student is participating in this state in an optometry training program and acting provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section. 458  
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(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry. 466  
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(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is acting pursuant to the rules for delegation of optometric tasks 469  
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adopted under section 4725.09 of the Revised Code. 473

**Sec. 4725.28.** (A) As used in this section, "supplier" means 474  
any person who prepares or sells optical accessories or other 475  
vision correcting items, devices, or procedures. 476

(B) A licensed optometrist, on completion of a vision 477  
examination and diagnosis, shall give each patient for whom the 478  
optometrist prescribes any vision correcting item, device, or 479  
procedure, one copy of the prescription, without additional charge 480  
to the patient. The prescription shall include the following: 481

(1) The date of its issuance; 482

(2) Sufficient information to enable the patient to obtain 483  
from the supplier of the patient's choice, the optical accessory 484  
or other vision correcting item, device, or procedure that has 485  
been prescribed; 486

(3) In the case of contact lenses, all information specified 487  
as part of a contact lens prescription, as defined in the 488  
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 489  
15 U.S.C. 7610. 490

(C) Any supplier who fills a prescription for contact lenses 491  
furnished by an optometrist shall furnish the patient with written 492  
recommendations to return to the prescribing optometrist for 493  
evaluation of the contact lens fitting. 494

(D) Any supplier, including an optometrist who is a supplier, 495  
may advertise to inform the general public of the price that the 496  
supplier charges for any vision correcting item, device, or 497  
procedure. Any such advertisement shall specify the following: 498

(1) Whether the advertised item includes an eye examination; 499

(2) In the case of lenses, whether the price applies to 500  
single-vision or multifocal lenses; 501

(3) In the case of contact lenses, whether the price applies 502  
to rigid or soft lenses and whether there is an additional charge 503  
related to the fitting and determination of the type of contact 504  
lenses to be worn that is not included in the price of the eye 505  
examination. 506

(E) The state board of optometry shall not adopt any rule 507  
that restricts the right to advertise as permitted by division (D) 508  
of this section. 509

(F) Any municipal corporation code, ordinance, or regulation 510  
or any township resolution that conflicts with a supplier's right 511  
to advertise as permitted by division (D) of this section is 512  
superseded by division (D) of this section and is invalid. A 513  
municipal corporation code, ordinance, or regulation or a township 514  
resolution conflicts with division (D) of this section if it 515  
restricts a supplier's right to advertise as permitted by division 516  
(D) of this section. 517

**Sec. 4731.44.** (A) As used in this section, "supplier" has the 518  
same meaning as in section 4725.28 of the Revised Code. 519

(B) An individual authorized under this chapter to practice 520  
medicine and surgery or osteopathic medicine and surgery, on 521  
completion of a vision examination and diagnosis, shall give each 522  
patient for whom the individual prescribes any vision correcting 523  
item, device, or procedure, one copy of the prescription, without 524  
additional charge to the patient. The prescription shall include 525  
the following: 526

(1) The date of its issuance; 527

(2) Sufficient information to enable the patient to obtain 528  
from the supplier of the patient's choice, the vision correcting 529  
item, device, or procedure that has been prescribed; 530

(3) In the case of contact lenses, all information specified 531

as part of a contact lens prescription, as defined in the 532  
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 533  
15 U.S.C. 7610. 534

(C) Any supplier who fills a prescription for contact lenses 535  
furnished by an individual authorized under this chapter to 536  
practice medicine and surgery or osteopathic medicine and surgery 537  
shall furnish the patient with written recommendations to return 538  
to the prescribing doctor for evaluation of the contact lens 539  
fitting. 540

(D) Any supplier, including an individual authorized under 541  
this chapter to practice medicine and surgery or osteopathic 542  
medicine and surgery who is a supplier, may advertise to inform 543  
the general public of the price that the supplier charges for any 544  
vision correcting item, device, or procedure. An advertisement of 545  
that nature shall specify the following: 546

(1) Whether the price includes an eye examination; 547

(2) In the case of lenses, whether the price applies to 548  
single-vision or multifocal lenses; 549

(3) In the case of contact lenses, whether the price applies 550  
to rigid or soft lenses and whether there is an additional charge 551  
related to the fitting and determination of the type of contact 552  
lenses to be worn that is not included in the price of the eye 553  
examination. 554

(E) The state medical board shall not adopt any rule that 555  
restricts the right to advertise as permitted by division (D) of 556  
this section. 557

(F) Any municipal corporation code, ordinance, or regulation 558  
or any township resolution that conflicts with a supplier's right 559  
to advertise as permitted by division (D) of this section is 560  
superseded by division (D) of this section and is invalid. A 561  
municipal corporation code, ordinance, or regulation or a township 562

resolution conflicts with division (D) of this section if it 563  
restricts a supplier's right to advertise as permitted by division 564  
(D) of this section. 565

**Section 2.** That existing sections 4725.01, 4725.09, 4725.16, 566  
4725.23, 4725.26, 4725.28, and 4731.44 of the Revised Code are 567  
hereby repealed. 568