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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 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, 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 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 the person administering the drugs;	193 194
(4) Other standards and procedures the board considers relevant.	195 196
<u>Sec. 4725.091. (A) The state board of optometry shall adopt rules governing the authority of licensed optometrists to administer and prescribe schedule III controlled substances under a therapeutic pharmaceutical agents certificate. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.</u>	197 198 199 200 201 202
<u>(B) All of the following apply to the state board of optometry in the adoption of rules under this section:</u>	203 204
<u>(1) The board shall not permit an optometrist to administer or prescribe a schedule III controlled substance other than a drug included in section 3719.41 of the Revised Code within the schedule III narcotics-narcotic preparations category.</u>	205 206 207 208
<u>(2) The board shall limit the schedule III controlled substances that optometrists may administer or prescribe to the drugs that the board determines are appropriate for use in the practice of optometry under a therapeutic pharmaceutical agents certificate.</u>	209 210 211 212 213
<u>(3) With regard to prescribing schedule III controlled substances, the board shall establish prescribing standards to be followed by optometrists who hold therapeutic pharmaceutical agents certificates. The board shall take into account the prescribing standards that exist within the health care marketplace and are used in other states that grant optometrists the authority to prescribe drugs.</u>	214 215 216 217 218 219 220
<u>(4) The board shall establish standards and procedures</u>	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