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Representatives Daniels, Strahorn

**Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon,
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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, 4725.40, and 4731.44 and to 2
enact sections 4725.011 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
and to require the Ohio Optical Dispensers Board 8
to regulate the dispensing of cosmetic contact 9
lenses. 10

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

Section 1. That sections 4725.01, 4725.09, 4725.16, 4725.23, 11
4725.26, 4725.28, 4725.40, and 4731.44 be amended and sections 12

4725.011 and 4725.091 of the Revised Code be enacted to read as follows:

Sec. 4725.01. As used in this chapter:

(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 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~~

Employing, applying, administering, and prescribing topical ocular
pharmaceutical agents; 43
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(c) Employing, applying, administering, and prescribing
therapeutic pharmaceutical agents; 45
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(d) Assisting an individual in determining the individual's
blood glucose level by using a commercially available
glucose-monitoring device. Nothing in this section precludes a
licensed optometrist who holds a therapeutic pharmaceutical agents
certificate from using any particular type of commercially
available glucose-monitoring device. 47
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(B) "Topical ocular pharmaceutical agents agent" means: 53

~~(1) Proparacaine hydrochloride in a potency not exceeding
five tenths of one per cent ophthalmic solution;~~ 54
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~~(2) Benoxinate hydrochloride in a potency not exceeding
four tenths of one per cent ophthalmic solution;~~ 56
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~~(3) Phenylephrine hydrochloride in a potency not exceeding
two and five tenths per cent ophthalmic solution;~~ 58
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~~(4) Hydroxyamphetamine hydrobromide in a potency not
exceeding one per cent ophthalmic solution;~~ 60
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~~(5) Tropicamide in a potency not exceeding one per cent
ophthalmic solution;~~ 62
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~~(6) Cyclopentolate in a potency not exceeding one per cent
ophthalmic solution;~~ 64
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~~(7) Any other topical ocular pharmaceutical agents if the
primary indications for their use are consistent with the purposes
set forth in division (A)(1) of this section, their new drug
application is approved by and the potency in which they may be
used for evaluative purposes has been established by the federal
food and drug administration after January 1, 1983, and their use
for the purposes set forth in division (A)(1) of this section has~~ 66
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~~been approved by rule of the state board of optometry a drug or~~ 73
~~dangerous drug that is a topical drug and used in the practice of~~ 74
~~optometry as follows:~~ 75

~~(1) In the case of a licensed optometrist who holds a topical~~ 76
~~ocular pharmaceutical agents certificate, for evaluative purposes~~ 77
~~in the practice of optometry as set forth in division (A)(1) of~~ 78
~~this section;~~ 79

~~(2) In the case of a licensed optometrist who holds a~~ 80
~~therapeutic pharmaceutical agents certificate, for purposes of~~ 81
~~examination, investigation, diagnosis, treatment, or prevention of~~ 82
~~any disease, injury, or other abnormal condition of the visual~~ 83
~~system.~~ 84

~~(C) "Therapeutic pharmaceutical agent" means a topical ocular~~ 85
~~pharmaceutical agent or any of the following drugs a drug or~~ 86
~~dangerous drugs drug that is used for examination, investigation,~~ 87
~~diagnosis, treatment, or prevention of any disease, injury, or~~ 88
~~other abnormal condition of the visual system or for treatment or~~ 89
~~cure of disease, injury, or other abnormal condition of the~~ 90
~~anterior segment of the human eye and is an anti microbial,~~ 91
~~anti-allergy, anti glaucoma, topical anti inflammatory, or~~ 92
~~eyeloplegic agent, or an analgesic:~~ 93

~~(1) A topical ophthalmic preparation;~~ 94

~~(2) Oral dosage of any of the following drugs:~~ 95

~~(a) Acetazolamide;~~ 96

~~(b) Astemizole;~~ 97

~~(c) Dichlorphenamide;~~ 98

~~(d) Diphenhydramine;~~ 99

~~(e) Glycerin in a fifty per cent solution;~~ 100

~~(f) Isosorbide in a forty five per cent solution;~~ 101

(g) Methazolamide;	102
(h) Analgesics that may be legally sold without prescription;	103
(i) Terfenadine;	104
(j) Ampicillin in a two hundred fifty milligram or five hundred milligram dosage;	105 106
(k) Cefaclor in a two hundred fifty milligram or five hundred milligram dosage;	107 108
(l) Cephalexin in a two hundred fifty milligram or five hundred milligram dosage;	109 110
(m) Dicloxacillin in a two hundred fifty milligram or five hundred milligram dosage;	111 112
(n) Doxycycline in a fifty milligram or one hundred milligram dosage;	113 114
(o) Erythromycin in a two hundred fifty milligram, three hundred and thirty three milligram, or five hundred milligram dosage;	115 116 117
(p) Penicillin VK in a two hundred fifty milligram or five hundred milligram dosage;	118 119
(q) Tetracycline in a two hundred fifty milligram or five hundred milligram dosage.	120 121
(3) Any other oral dosage of a drug or dangerous drug that is listed by rule <u>in the practice of optometry by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, and is any of the following:</u>	122 123 124 125
(1) <u>An oral drug or dangerous drug in one of the following classifications:</u>	126 127
(a) <u>Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals;</u>	128 129
(b) <u>Anti-allergy agents;</u>	130

<u>(c) Antiglaucoma agents;</u>	131
<u>(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and schedule III controlled substances authorized by the state board of optometry in rules adopted under section 4725.091 of the Revised Code;</u>	132 133 134 135 136 137
<u>(e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, which may be used under a therapeutic pharmaceutical agents certificate only if all of the following conditions are met:</u>	138 139 140 141
<u>(i) The drug is prescribed for use in allergy cases;</u>	142
<u>(ii) The drug is prescribed for use by an individual who is eighteen years of age or older;</u>	143 144
<u>(iii) The drug is prescribed on the basis of an individual's particular episode of illness;</u>	145 146
<u>(iv) The drug is prescribed in an amount that does not exceed the amount packaged for a single course of therapy.</u>	147 148
<u>(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.</u>	149 150 151 152 153
<u>(3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the state board of optometry under section 4725.09 of the Revised Code.</u>	154 155 156 157 158 159 160

(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 161
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(E) "Drug" and "dangerous drug" have the same meanings as in 163
section 4729.01 of the Revised Code. 164

~~(E)~~(F) "Invasive procedure" means any procedure that involves 165
cutting or otherwise infiltrating human tissue by mechanical means 166
including surgery, laser surgery, ionizing radiation, therapeutic 167
ultrasound, administering medication by injection, or the removal 168
of intraocular foreign bodies. 169

~~(F)~~(G) "Visual system" means the human eye and its accessory 170
or subordinate anatomical parts. 171

~~(G)~~(H) "Certificate of licensure" means a certificate issued 172
by the state board of optometry under section 4725.13 of the 173
Revised Code authorizing the holder to practice optometry as 174
provided in division (A)(1) of this section. 175

~~(H)~~(I) "Topical ocular pharmaceutical agents certificate" 176
means a certificate issued by the state board of optometry under 177
section 4725.13 of the Revised Code authorizing the holder to 178
practice optometry as provided in division (A)(2) of this section. 179

~~(I)~~(J) "Therapeutic pharmaceutical agents certificate" means 180
a certificate issued by the state board of optometry under 181
division (A)(3) or (4) of section 4725.13 of the Revised Code 182
authorizing the holder to practice optometry as provided in 183
division (A)(3) of this section. 184

Sec. 4725.011. In prescribing and dispensing vision 185
correction devices under a therapeutic pharmaceutical agents 186
certificate, a licensed optometrist may prescribe and dispense any 187
device that has vision correction as its primary purpose but also 188
combines with that purpose the delivery of a drug or dangerous 189
drug through the device, if the drug delivered by the device would 190

otherwise be a topical ocular pharmaceutical agent or oral 191
therapeutic pharmaceutical agent. Devices authorized by this 192
section include, but are not limited to, vision-correcting contact 193
lenses that deliver such drugs or dangerous drugs. 194

Sec. 4725.09. (A) The state board of optometry shall adopt 195
rules as it considers necessary to govern the practice of 196
optometry and to administer and enforce sections 4725.01 to 197
4725.34 of the Revised Code. All rules adopted under sections 198
4725.01 to 4725.34 of the Revised Code shall be adopted in 199
accordance with Chapter 119. of the Revised Code. 200

(B) The board, in consultation with the state board of 201
pharmacy, shall adopt rules specifying any oral ~~dosages~~ of drugs 202
or dangerous drugs that are therapeutic pharmaceutical agents 203
under division (C)(3) of section 4725.01 of the Revised Code. 204

(C) The board shall adopt rules that establish standards to 205
be met and procedures to be followed with respect to the 206
delegation by an optometrist of the performance of an optometric 207
task to a person who is not licensed or otherwise specifically 208
authorized by the Revised Code to perform the task. The rules 209
shall permit an optometrist who holds a topical ocular 210
pharmaceutical agents certificate or therapeutic pharmaceutical 211
agents certificate to delegate the administration of drugs 212
included in the optometrist's scope of practice. 213

The rules adopted under this division shall provide for all 214
of the following: 215

(1) On-site supervision when the delegation occurs in an 216
institution or other facility that is used primarily for the 217
purpose of providing health care, unless the board established a 218
specific exception to the on-site supervision requirement with 219
respect to routine administration of a topical drug; 220

(2) Evaluation of whether delegation is appropriate according 221
to the acuity of the patient involved; 222

(3) Training and competency requirements that must be met by 223
the person administering the drugs; 224

(4) Other standards and procedures the board considers 225
relevant. 226

Sec. 4725.091. (A) The state board of optometry shall adopt 227
rules governing the authority of licensed optometrists to employ, 228
apply, administer, and prescribe schedule III controlled 229
substances under a therapeutic pharmaceutical agents certificate. 230
The rules shall be adopted in accordance with Chapter 119. of the 231
Revised Code and in consultation with the state board of pharmacy. 232
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(B) All of the following apply to the state board of 234
optometry in the adoption of rules under this section: 235

(1) The board shall not permit an optometrist to employ, 236
apply, administer, or prescribe a schedule III controlled 237
substance other than a drug included in section 3719.41 of the 238
Revised Code within the schedule III narcotics-narcotic 239
preparations category. 240

(2) The board shall limit the schedule III controlled 241
substances that optometrists may employ, apply, administer, or 242
prescribe to the drugs that the board determines are appropriate 243
for use in the practice of optometry under a therapeutic 244
pharmaceutical agents certificate. 245

(3) With regard to the prescribing of schedule III controlled 246
substances, the board shall establish prescribing standards to be 247
followed by optometrists who hold therapeutic pharmaceutical 248
agents certificates. The board shall take into account the 249
prescribing standards that exist within the health care 250

marketplace. 251

(4) The board shall establish standards and procedures for 252
employing, applying, administering, and prescribing schedule III 253
controlled substances under a therapeutic pharmaceutical agents 254
certificate by taking into consideration and examining issues that 255
include the appropriate length of drug therapy, appropriate 256
standards for drug treatment, necessary monitoring systems, and 257
any other factors the board considers relevant. 258

Sec. 4725.16. (A) Each certificate of licensure, topical 259
ocular pharmaceutical agents certificate, and therapeutic 260
pharmaceutical agents certificate issued by the state board of 261
optometry shall expire annually on the last day of December, and 262
may be renewed in accordance with this section and the standard 263
renewal procedure established under Chapter 4745. of the Revised 264
Code. 265

An optometrist seeking to continue to practice optometry 266
shall file with the board an application for license renewal. The 267
application shall be in such form and require such pertinent 268
professional biographical data as the board may require. 269

(B) All licensed optometrists shall annually complete 270
continuing education in subjects relating to the practice of 271
optometry, to the end that the utilization and application of new 272
techniques, scientific and clinical advances, and the achievements 273
of research will assure comprehensive care to the public. The 274
board shall prescribe by rule the continuing optometric education 275
that licensed optometrists must complete. The length of study 276
shall be ~~determined by the board but shall be not less than six~~ 277
~~nor more than~~ twenty-five clock hours each year, ~~except that the~~ 278
~~board shall prescribe an additional five~~ including ten clock hours 279
of instruction in pharmacology to be completed by all licensed 280
optometrists ~~who hold topical ocular pharmaceutical agents~~ 281

~~certificates or therapeutic pharmaceutical agents certificates.~~ 282

Unless the continuing education required under this division 283
is waived or deferred under division (D) of this section, the 284
continuing education must be completed during the twelve-month 285
period beginning on the first day of October and ending on the 286
last day of September. If the board receives notice from a 287
continuing education program indicating that an optometrist 288
completed the program after the last day of September, and the 289
optometrist wants to use the continuing education completed after 290
that day to renew the license that expires on the last day of 291
December of that year, the optometrist shall pay the penalty 292
specified under section 4725.34 of the Revised Code for late 293
completion of continuing education. 294

At least once annually, the board shall mail to each licensed 295
optometrist a list of courses approved in accordance with 296
standards prescribed by board rule. Upon the request of a licensed 297
optometrist, the executive director of the board shall supply a 298
list of additional courses that the board has approved subsequent 299
to the most recent mailing of the list of approved courses. 300

(C)(1) Annually, by not later than the first day of November, 301
the board shall mail ~~to each licensed optometrist~~ a notice 302
regarding license renewal ~~and~~ to each licensed optometrist who may 303
be eligible for renewal. The notice shall be sent to the 304
optometrist's last address shown in the board's records. If the 305
board knows that the optometrist has completed the required 306
continuing optometric education for the year, the board may 307
include with the notice an application for license renewal. The 308
~~application shall be in such form and require such pertinent~~ 309
~~professional biographical data as the board may require. An~~ 310
~~optometrist seeking to continue to practice optometry shall file~~ 311
~~the renewal application with the board. Filing the~~ 312

(2) Filing a license renewal application with the board shall 313

serve as notice by the optometrist that the continuing optometric education requirement has been successfully completed. If

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

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

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

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

~~(E) The board shall approve all applications for renewal that are not disapproved or refused under division (C) of this section.~~
An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state

the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

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

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

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

(I)(1) If the certificates issued by the board to an

individual have expired and the individual has not filed a 377
complete application during the late renewal period, the 378
individual's certificates shall be classified in the board's 379
records as delinquent. 380

(2) Any optometrist subject to delinquent classification may 381
submit a written application to the board for reinstatement. For 382
reinstatement to occur, the applicant must meet all of the 383
following conditions: 384

(a) Submit to the board evidence of compliance with board 385
rules requiring continuing optometric education in a sufficient 386
number of hours to make up for any delinquent compliance; 387

(b) Pay the renewal fees for the year in which application 388
for reinstatement is made and the reinstatement fee specified 389
under division (A)(8) of section 4725.34 of the Revised Code; 390

(c) Pass all or part of the licensing examination accepted by 391
the board under section 4725.11 of the Revised Code as the board 392
considers appropriate to determine whether the application for 393
reinstatement should be approved; 394

(d) If the applicant has been practicing optometry in another 395
state or country, submit evidence that the applicant's license to 396
practice optometry in the other state or country is in good 397
standing. 398

(3) The board shall approve an application for reinstatement 399
if the conditions specified in division (I)(2) of this section are 400
met. An optometrist who receives reinstatement is subject to the 401
continuing education requirements specified under division (B) of 402
this section for the year in which reinstatement occurs. 403

Sec. 4725.23. (A) The state board of optometry shall 404
investigate evidence that appears to show that a person has 405
violated any provision of sections 4725.01 to 4725.34 of the 406

Revised Code or any rule adopted under those sections. 407

Investigations of alleged violations shall be supervised by the 408
member of the board appointed by the board to act as the 409
supervising member of investigations. The supervising member shall 410
not participate in the final vote that occurs in an adjudication 411
of the case. 412

(B) In investigating a possible violation, the board may 413
administer oaths, order the taking of depositions, issue 414
subpoenas, and compel the attendance of witnesses and production 415
of books, accounts, papers, records, documents, and testimony. A 416
subpoena for patient record information shall not be issued 417
without consultation with the attorney general's office and 418
approval of the secretary of the board and the board's supervising 419
member of investigations. Before issuance of a subpoena for 420
patient record information, the secretary and supervising member 421
shall determine whether there is probable cause to believe that 422
the complaint filed alleges a violation of sections 4725.01 to 423
4725.34 of the Revised Code or any rule adopted under those 424
sections and that the records sought are relevant to the alleged 425
violation and material to the investigation. The subpoena may 426
apply only to records that cover a reasonable period of time 427
surrounding the alleged violation. 428

On failure to comply with any subpoena issued by the board 429
and after reasonable notice to the person being subpoenaed, the 430
board may move for an order compelling the production of persons 431
or records pursuant to the Rules of Civil Procedure. 432

A subpoena issued by the board may be served by a sheriff, 433
the sheriff's deputy, or a board employee designated by the board. 434
Service of a subpoena issued by the board may be made by 435
delivering a copy of the subpoena to the person named therein, 436
reading it to the person, or leaving it at the person's usual 437
place of residence. When the person being served is an optometrist 438

licensed under ~~by~~ this chapter, service of the subpoena may be 439
made by certified mail, restricted delivery, return receipt 440
requested, and the subpoena shall be deemed served on the date 441
delivery is made or the date the optometrist refuses to accept 442
delivery. 443

Each witness who appears before the board in obedience to a 444
subpoena shall receive the fees and mileage provided for witnesses 445
in civil cases in the courts of common pleas. 446

(C) Information received by the board pursuant to an 447
investigation is confidential and not subject to discovery in any 448
civil action. 449

The board shall conduct all investigations and proceedings in 450
a manner that protects the confidentiality of patients and persons 451
who file complaints with the board. The board shall not make 452
public the names or any other identifying information about 453
patients or complainants unless proper consent is given. 454

The board may share any information it receives pursuant to 455
an investigation, including patient records and patient record 456
information, with other licensing boards and governmental agencies 457
that are investigating alleged professional misconduct and with 458
law enforcement agencies and other governmental agencies that are 459
investigating or prosecuting alleged criminal offenses. A board or 460
agency that receives the information shall comply with the same 461
requirements regarding confidentiality as those with which the 462
state board of optometry must comply, notwithstanding any 463
conflicting provision of the Revised Code or procedure of the 464
board or agency that applies when the board or agency is dealing 465
with other information in its possession. The information may be 466
admitted into evidence in a criminal trial in accordance with the 467
Rules of Evidence, but the court shall require that appropriate 468
measures are taken to ensure that confidentiality is maintained 469
with respect to any part of the information that contains names or 470

other identifying information about persons whose confidentiality 471
was protected by the state board of optometry when the information 472
was in the board's possession. Measures to ensure confidentiality 473
that may be taken by the court include sealing its records or 474
deleting specific information from its records. 475

Sec. 4725.26. Division (A) of section 4725.02 of the Revised 476
Code does not apply to the following: 477

(A) Physicians authorized to practice medicine and surgery or 478
osteopathic medicine and surgery under Chapter 4731. of the 479
Revised Code; 480

(B) Persons who sell optical accessories but do not assume to 481
adapt them to the eye, and neither practice nor profess to 482
practice optometry; 483

(C) An instructor in a school of optometry that is located in 484
this state and approved by the state board of optometry under 485
section 4725.10 of the Revised Code who holds a valid current 486
license to practice optometry from a licensing body in another 487
jurisdiction and limits the practice of optometry to the 488
instruction of students enrolled in the school. 489

(D) A student ~~at~~ enrolled in a school of optometry, located 490
in this or another state and approved by the board under section 491
4725.10 of the Revised Code, ~~while enrolled~~ the student is 492
participating in this state in an optometry training program ~~and~~ 493
acting provided or sponsored by the school, if the student acts 494
under the direct, personal supervision and control of an 495
optometrist licensed by the board or authorized to practice 496
pursuant to division (C) of this section. 497

(E) An individual who is licensed or otherwise specifically 498
authorized by the Revised Code to engage in an activity that is 499
included in the practice of optometry. 500

(F) An individual who is not licensed or otherwise 501
specifically authorized by the Revised Code to engage in an 502
activity that is included in the practice of optometry, but is 503
acting pursuant to the rules for delegation of optometric tasks 504
adopted under section 4725.09 of the Revised Code. 505

Sec. 4725.28. (A) As used in this section, "supplier" means 506
any person who prepares or sells optical accessories or other 507
vision correcting items, devices, or procedures. 508

(B) A licensed optometrist, on completion of a vision 509
examination and diagnosis, shall give each patient for whom the 510
optometrist prescribes any vision correcting item, device, or 511
procedure, one copy of the prescription, without additional charge 512
to the patient. The prescription shall include the following: 513

(1) The date of its issuance; 514

(2) Sufficient information to enable the patient to obtain 515
from the supplier of the patient's choice, the optical accessory 516
or other vision correcting item, device, or procedure that has 517
been prescribed; 518

(3) In the case of contact lenses, all information specified 519
as part of a contact lens prescription, as defined in the 520
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 521
15 U.S.C. 7610. 522

(C) Any supplier who fills a prescription for contact lenses 523
furnished by an optometrist shall furnish the patient with written 524
recommendations to return to the prescribing optometrist for 525
evaluation of the contact lens fitting. 526

(D) Any supplier, including an optometrist who is a supplier, 527
may advertise to inform the general public of the price that the 528
supplier charges for any vision correcting item, device, or 529
procedure. Any such advertisement shall specify the following: 530

(1) Whether the advertised item includes an eye examination;	531
(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses;	532 533
(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.	534 535 536 537 538
(E) The state board of optometry shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section.	539 540 541
(F) Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section.	542 543 544 545 546 547 548 549
Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the Revised Code:	550 551
(A) "Optical aid" means an instrument or device <u>both of the</u> <u>following:</u>	552 553
<u>(1) Spectacles or other instruments or devices that are not</u> <u>contact lenses, if the spectacles or other instruments or devices</u> <u>may aid or correct human vision and have been prescribed by a</u> physician or optometrist licensed by any state to correct human vision, including spectacles, eyeglasses, contact lenses, and accessories. Contact;	554 555 556 557 558 559
<u>(2) Contact lenses, regardless of whether they address visual</u>	560

function, if they are designed to fit over the cornea of the eye 561
or are otherwise designed for use in or on the eye or orbit. 562

All contact lenses shall be dispensed only in accordance with 563
a valid written prescription designated for contact lenses, 564
including the following: 565

(a) Zero-powered plano contact lenses; 566

(b) Cosmetic contact lenses; 567

(c) Performance-enhancing contact lenses; 568

(d) Any other contact devices determined by the Ohio optical 569
dispensers board to be contact lenses. 570

(B) "Optical dispensing" means interpreting but not altering 571
a prescription of a licensed physician or optometrist and 572
designing, adapting, fitting, or replacing the prescribed optical 573
aids, pursuant to such prescription, to or for the intended 574
wearer; duplicating lenses, other than contact lenses, accurately 575
as to power without a prescription; and duplicating 576
nonprescription eyewear and parts of eyewear. "Optical dispensing" 577
does not include selecting frames, transacting a sale, 578
transferring an optical aid to the wearer after an optician has 579
completed fitting it, or providing instruction in the general care 580
and use of an optical aid, including placement, removal, hygiene, 581
or cleaning. 582

(C) "Licensed dispensing optician" means a person holding a 583
current, valid license issued under sections 4725.47 to 4725.51 of 584
the Revised Code that authorizes the person to engage in optical 585
dispensing. Nothing in this chapter shall be construed to permit a 586
licensed dispensing optician to alter the specifications of a 587
prescription. 588

(D) "Licensed spectacle dispensing optician" means a licensed 589
dispensing optician authorized to engage in the dispensing of 590

optical aids other than contact lenses. 591

(E) "Licensed contact lens dispensing optician" means a 592
licensed dispensing optician authorized to engage only in the 593
dispensing of contact lenses. 594

(F) "Licensed spectacle-contact lens dispensing optician" 595
means a licensed dispensing optician authorized to engage in the 596
dispensing of any optical aid. 597

(G) "Apprentice" means any person dispensing optical aids 598
under the direct supervision of a licensed dispensing optician. 599

(H) "Prescription" means the written or verbal directions or 600
instructions as specified by a physician or optometrist licensed 601
by any state for preparing an optical aid for a patient. 602

(I) "Supervision" means the provision of direction and 603
control through personal inspection and evaluation of work. 604

(J) "Licensed ocularist" means a person holding a current, 605
valid license issued under sections 4725.48 to 4725.51 of the 606
Revised Code to engage in the practice of designing, fabricating, 607
and fitting artificial eyes or prostheses associated with the 608
appearance or function of the human eye. 609

Sec. 4731.44. (A) As used in this section, "supplier" has the 610
same meaning as in section 4725.28 of the Revised Code. 611

(B) An individual authorized under this chapter to practice 612
medicine and surgery or osteopathic medicine and surgery, on 613
completion of a vision examination and diagnosis, shall give each 614
patient for whom the individual prescribes any vision correcting 615
item, device, or procedure, one copy of the prescription, without 616
additional charge to the patient. The prescription shall include 617
the following: 618

(1) The date of its issuance; 619

(2) Sufficient information to enable the patient to obtain 620
from the supplier of the patient's choice, the vision correcting 621
item, device, or procedure that has been prescribed; 622

(3) In the case of contact lenses, all information specified 623
as part of a contact lens prescription, as defined in the 624
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 625
15 U.S.C. 7610. 626

(C) Any supplier who fills a prescription for contact lenses 627
furnished by an individual authorized under this chapter to 628
practice medicine and surgery or osteopathic medicine and surgery 629
shall furnish the patient with written recommendations to return 630
to the prescribing doctor for evaluation of the contact lens 631
fitting. 632

(D) Any supplier, including an individual authorized under 633
this chapter to practice medicine and surgery or osteopathic 634
medicine and surgery who is a supplier, may advertise to inform 635
the general public of the price that the supplier charges for any 636
vision correcting item, device, or procedure. An advertisement of 637
that nature shall specify the following: 638

(1) Whether the price includes an eye examination; 639

(2) In the case of lenses, whether the price applies to 640
single-vision or multifocal lenses; 641

(3) In the case of contact lenses, whether the price applies 642
to rigid or soft lenses and whether there is an additional charge 643
related to the fitting and determination of the type of contact 644
lenses to be worn that is not included in the price of the eye 645
examination. 646

(E) The state medical board shall not adopt any rule that 647
restricts the right to advertise as permitted by division (D) of 648
this section. 649

(F) Any municipal corporation code, ordinance, or regulation 650
or any township resolution that conflicts with a supplier's right 651
to advertise as permitted by division (D) of this section is 652
superseded by division (D) of this section and is invalid. A 653
municipal corporation code, ordinance, or regulation or a township 654
resolution conflicts with division (D) of this section if it 655
restricts a supplier's right to advertise as permitted by division 656
(D) of this section. 657

Section 2. That existing sections 4725.01, 4725.09, 4725.16, 658
4725.23, 4725.26, 4725.28, 4725.40, and 4731.44 of the Revised 659
Code are hereby repealed. 660