

Senator John L. Valentine proposes the following substitute bill:

AMENDMENT TO UTAH OPTOMETRY PRACTICE ACT

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill amends the Utah Optometry Practice Act to permit certain people in limited circumstances to sell ophthalmic lenses without being licensed under the chapter.

Highlighted Provisions:

This bill:

- ▶ allows a person in certain circumstances to sell, fit, adjust, and dispense ophthalmic lenses without being licensed under the chapter;
- ▶ requires a prescription for an ophthalmic lens;
- ▶ authorizes an optometrist **§→ or physician ←§** to designate the expiration date for an ophthalmic lens prescription;
- ▶ defines an unexpired prescription; and
- ▶ specifies the activities that the unlicensed person may engage in regarding the sale or dispensing of ophthalmic lenses.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



88 (b) determination or modification of the accommodative or refractive state of the
89 human eye or its range or power of vision by administration and prescription of pharmaceutical
90 agents or the use of diagnostic instruments;

91 (c) prescription, ordering, administration, or adaptation of ophthalmic lenses, contact
92 lenses, ophthalmic devices, pharmaceutical agents, laboratory tests, or ocular exercises to
93 diagnose and treat diseases, defects, or other abnormal conditions of the human eye and its
94 adnexa;

95 (d) display of any advertisement, circular, sign, or device offering to:

- 96 (i) examine the eyes;
- 97 (ii) fit glasses or contact lenses; or
- 98 (iii) adjust frames;

99 (e) removal of a foreign body from the eye or its adnexa, that is not deeper than the
100 anterior 1/2 of the cornea;

101 (f) consultation regarding the eye and its adnexa with other appropriate health care
102 providers, including referral to other appropriate health care providers; and

103 (g) a person, not licensed as an optometrist, directing a licensee under this chapter to
104 withhold or alter the eye care services the licensee has ordered.

105 (12) "Pharmaceutical agent" means any diagnostic or therapeutic drug or combination
106 of drugs that has the property of assisting in the diagnosis, prevention, treatment, or mitigation
107 of abnormal conditions or symptoms of the eye and its adnexa.

108 (13) "Physician" has the same meaning as defined in Subsection 58-67-102(7).

109 (14) "Prescription drug" has the same definition as in Section 58-17b-102.

110 (15) "Unexpired" means a prescription that was issued:

111 [~~(a) not more than two years prior to presentation of the prescription for an ophthalmic~~
112 ~~lens; or]~~

113 (a) for ophthalmic lenses which does not expire unless the optometrist ~~§~~→ or physician ←~~§~~

113a includes an
114 expiration date on the prescription based on medical reasons that are documented in the
115 patient's file; and

116 (b) in accordance with Subsection (3) for a contact lens.

117 Section 2. Section **58-16a-305** is amended to read:

118 **58-16a-305. License -- Exemptions.**