

SENATE BILL NO. 652

June 16, 1999, Introduced by
A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17401 (MCL 333.17401), as amended by 1997 PA
151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17401. (1) As used in this part:
- 2 (a) "Optometrist" means an individual licensed under this
- 3 article to engage in the practice of optometry.
- 4 (b) "Practice of optometry" means 1 or more of the follow-
- 5 ing, but does not include the performance of invasive
- 6 procedures:
- 7 (i) The examination of the human eye to ~~ascertain the~~
- 8 ~~pres-~~ ~~ence of~~ DIAGNOSE defects or abnormal conditions ~~which~~ THAT
- 9 may
be corrected, remedied, or relieved, or the effects of which
may

1 be corrected, remedied, or relieved by the use of lenses,
prisms,

2 or other mechanical devices.

3 (ii) The employment of objective or subjective physical
4 means to determine the accommodative or refractive conditions
or

5 the range of powers of vision or muscular equilibrium of the
6 human eye.

7 (iii) The adaptation or the adjustment of the lenses or
8 prisms or the use of therapeutic pharmaceutical agents to cor-
9 rect, remedy, or relieve a defect or abnormal condition or to
10 correct, remedy, or relieve the effect of a defect or abnormal
11 condition of the human eye.

12 (iv) The examination of the human eye for contact lenses
and

13 the fitting or insertion of contact lenses to the human eye.

14 (v) The employment of objective or subjective means,
includ-

15 ing diagnostic pharmaceutical agents by an optometrist who
meets

16 the requirements of section 17412, for the examination of the
17 human eye for the purpose of ~~ascertaining~~ DIAGNOSING a depar-
18 ture from the normal, measuring of powers of vision, and
adapting

19 lenses for the aid thereof.

20 ~~-(c) "Diagnostic pharmaceutical agent" means:~~

21 ~~(i) The following commercially prepared topical
anesthetic:~~

22 ~~Proparacaine HCL 0.5%.~~

23 ~~(ii) The following commercially prepared~~

24 ~~cycloplegic/mydriatic: Tropicamide in strength not greater
than~~

25 ~~1%.~~

26 (vi) THE EMPLOYMENT OF ORTHOPTIC VISION THERAPY AND
27 BINOCULAR VISION THERAPY TO CORRECT, REMEDY, OR RELIEVE A

DEFECT

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OR ABNORMAL CONDITION OF THE HUMAN EYE OR TO CORRECT, REMEDY,
OR
RELIEVE THE EFFECTS OF A DEFECT OR ABNORMAL CONDITION OF THE
HUMAN EYE.

(vii) THE EMPLOYMENT OF LOW VISION TECHNIQUES, LOW VISION
THERAPY COUNSELING, AND LOW VISION REHABILITATION THERAPY TO
COR-
RECT, REMEDY, OR RELIEVE A DEFECT OR ABNORMAL CONDITION OF THE
HUMAN EYE OR TO CORRECT, REMEDY, OR RELIEVE THE EFFECTS OF A
DEFECT OR ABNORMAL CONDITION OF THE HUMAN EYE.

(C) "DIAGNOSTIC PHARMACEUTICAL AGENT" MEANS A TOPICALLY
ADMINISTERED PRESCRIPTION DRUG OR OTHER TOPICALLY ADMINISTERED
DRUG USED FOR THE PURPOSE OF DIAGNOSING THE PRESENCE OR ABSENCE
OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE OR THE
EFFECTS
OF DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE.

(d) "Therapeutic pharmaceutical agent" means 1 or more of
the following:

(i) A topically administered prescription drug or other
top-
ically administered drug used for the purpose of correcting,
rem-
edying, or relieving a defect or abnormal condition of the
ante-
rior segment of the human eye or for the purpose of correcting,
remedying, or relieving the effects of a defect or abnormal
con-
dition of the anterior segment of the human eye.

(ii) A topically administered antiglaucoma drug.

(e) "Drug" means that term as defined in section 17703,
but
does not include a controlled substance as defined in section
7104 or a prescription drug.

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1 (f) "Prescription drug" means that term as defined in
2 section 17708, but does not include a controlled substance as
3 defined in section 7104.

4 (g) "Physician" means that term as defined in section
17001
5 or 17501.

6 (h) "Invasive procedures" means all of the following:

7 (i) The use of lasers other than for observation.

8 (ii) The use of ionizing radiation.

9 (iii) The use of therapeutic ultrasound.

10 (iv) The administration of medication by injection.

11 (v) Procedures that include an incision.

12 (2) In addition to the definitions in this part, article 1
13 contains general definitions and principles of construction
14 applicable to all articles in this code and part 161 contains
15 definitions applicable to this part.