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FILED FEB 19 1987

SENATE FILE 216
BY COMMITTEE ON STATE GOVERNMENT
(formerly SSB 16)
Approved 2/19 (p. 412)

Passed Senate, Date 2-25-87 (p. 461) Passed House, Date 4/21/87 (p. 1560)
Vote: Ayes 38 Nays 10 Vote: Ayes 60 Nays 35
Approved May 7, 1987

A BILL FOR

1 An Act allowing therapeutically certified optometrists to employ
2 and supply certain pharmaceutical agents and to treat certain
3 conditions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 216

S-3079

1 Amend Senate File 216 as follows:
2 1. Page 2, by inserting after line 16 the
3 following: "Upon completion of the additional forty-
4 four hours of education, a therapeutically certified
5 optometrist shall also pass an oral or written
6 examination prescribed by the board."

S-3079

Filed February 25, 1987
ADOPTED (p. 460)

BY JULIA GENTLEMAN

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1 Section 1. Section 154.1, unnumbered paragraph 3, Code
2 1987, is amended to read as follows:

3 Therapeutically certified optometrists may employ the
4 following pharmaceuticals; topical and oral antimicrobial
5 agents, topical and oral antihistamines, topical and oral
6 antiglaucoma agents, topical anti-inflammatory agents, topical
7 and oral analgesic agents and topical anesthetic agents and
8 notwithstanding section 147.107, may without charge supply any
9 of the above listed pharmaceuticals to commence a course of
10 therapy. Superficial foreign bodies may be removed from the
11 human eye and adnexa. These therapeutic efforts are intended
12 for the purpose of examination, diagnosis, and treatment of
13 visual defects, abnormal conditions and diseases of the human
14 eye and adnexa, ~~except-glaucoma,~~ for proper optometric
15 practice or referral for consultation or treatment to persons
16 licensed under chapter 148 or 150A. A therapeutically
17 certified optometrist is an optometrist who is licensed to
18 practice optometry in this state and who is certified by the
19 board of optometry examiners to use the agents and procedures
20 listed above. A therapeutically certified optometrist shall
21 be provided with a distinctive certificate by the board which
22 shall be displayed for viewing by the patients of the
23 optometrist.

24 Sec. 2. Section 154.3, subsection 6, Code 1987, is amended
25 to read as follows:

26 6. A person licensed in any state as an optometrist prior
27 to January 1, 1986, who applies to be a therapeutically
28 certified optometrist shall first satisfactorily complete a
29 course as defined by rule of the board of optometry examiners
30 with particular emphasis on the examination, diagnosis and
31 treatment of conditions of the human eye and adnexa provided
32 by an institution accredited by a regional or professional
33 accreditation organization which is recognized or approved by
34 the council on postsecondary accreditation of the United
35 States office of education, and approved by the board of

1 optometry examiners. The rule of the board shall require a
2 course including a minimum of forty hours of didactic
3 education and sixty hours of approved supervised clinical
4 training in the examination, diagnosis, and treatment of
5 conditions of the human eye and adnexa. Effective July 1,
6 1987, the board shall require that therapeutically certified
7 optometrists prior to the utilization of topical and oral
8 anti-glaucoma agents, oral antimicrobial agents and oral
9 analgesic agents shall complete an additional forty-four hours
10 of education with emphasis on treatment and management of
11 glaucoma and use of oral pharmaceutical agents for treatment
12 and management of ocular diseases, provided by an institution
13 accredited by a regional or professional accreditation
14 organization which is recognized or approved by the council on
15 postsecondary accreditation of the United States office of
16 education, and approved by the board of optometry examiners.
17 The board shall suspend the optometrists therapeutic
18 certificate for failure to comply with this subsection by July
19 1, 1988.

20 Sec. 3. Section 155.6, Code 1987, is amended to read as
21 follows:

22 155.6 SALES BY UNLICENSED PERSON.

23 No An unlicensed person or licensed pharmacist shall not
24 allow anyone who is not a licensed pharmacist to fill the
25 prescriptions of licensed physicians, dentists, podiatrists,
26 therapeutically certified optometrists, or veterinarians,
27 except a person who is registered with the board of pharmacy
28 examiners pursuant to the practical experience requirements of
29 this chapter and unless the same be done under the immediate
30 personal supervision of a licensed pharmacist. All drugs and
31 medicines requiring a prescription which are sold, exposed or
32 offered for sale shall be under the immediate personal
33 supervision of a licensed pharmacist at all times except for
34 temporary absences. However, during a period of temporary
35 absence of a licensed pharmacist, no drugs or medicines

1 requiring a prescription shall be sold or offered for sale in
2 the pharmacy except proprietary medicines or domestic
3 remedies.

4 Sec. 4. Section 155.29, subsection 3, Code 1987, is
5 amended to read as follows:

6 3. For the purpose of obtaining a prescription drug,
7 falsely assume the title of or claim to be a manufacturer,
8 wholesaler, pharmacist, pharmacy owner, physician, dentist,
9 podiatrist, therapeutically certified optometrist,
10 veterinarian, or other authorized person.

11 Sec. 5. Section 155.35, Code 1987, is amended to read as
12 follows:

13 155.35 NAME AND STRENGTH OF DRUG ON PRESCRIPTION LABEL.

14 Unless the prescription indicates to the contrary, the
15 label of any drug sold and dispensed on the prescription of a
16 licensed physician, therapeutically certified optometrist,
17 dentist or podiatrist shall include the name and strength of
18 the drug.

19 Sec. 6. Section 155.36, Code 1987, is amended to read as
20 follows:

21 155.36 NONEQUIVALENT DRUG OR DRUG PRODUCT LIST.

22 The board shall be responsible for designating drugs or
23 drug products which, because of the lack of demonstrated
24 bioavailability, would pose an actual threat to the health,
25 safety, and welfare of the people of Iowa if such the drugs or
26 drug products were subject to dispensing under ~~the-provision~~
27 of section 155.37. Within one hundred eighty days after July
28 1, 1976, the board shall cause to be issued a list of those
29 drugs or drug products which have been demonstrated as being
30 nonequivalent and are not interchangeable as determined by the
31 federal food and drug administration. The board shall mail a
32 copy of the nonequivalent drug or drug product list to each
33 pharmacy registered with it and each physician, dentist,
34 podiatrist and veterinarian licensed to practice in this
35 state. Thereafter, the board shall from time to time make

1 additions to or deletions from the nonequivalent drug or drug
2 product list as determined by the federal food and drug
3 administration. Notification of ~~such~~ additions or deletions
4 shall be made promptly to each pharmacist registered with the
5 board and each physician, dentist, podiatrist, therapeutically
6 certified optometrist, and veterinarian licensed to practice
7 in this state.

8 Sec. 7. Section 155.37, subsection 1, paragraphs a and b,
9 Code 1987, are amended to read as follows:

10 1. a. If a physician, dentist, podiatrist, therapeutically
11 certified optometrist, or veterinarian prescribes, either in
12 writing or orally, a drug by its brand or trade name and does
13 not specifically state that only that designated brand or
14 trade name drug product is to be dispensed, and if the
15 pharmacy to which the prescription is presented or
16 communicated has in stock one or more other drug products with
17 the same generic name and demonstrated bioavailability as the
18 one prescribed, the pharmacist may exercise professional
19 judgment in the economic interest of the patient or the
20 patient's adult representative who is purchasing the
21 prescription by selecting a drug product generically
22 equivalent to but of lesser cost than the one prescribed for
23 dispensing and sale to the patient. If the pharmacist does
24 so, the pharmacist shall inform the patient or the patient's
25 adult representative of the savings which the patient will
26 obtain as a result of substitution and pass on to the patient
27 or the patient's representative no less than fifty percent of
28 the difference in actual acquisition costs between the drug
29 prescribed and the drug substituted.

30 b. If the cost of the prescription or any part of it will
31 be paid by expenditure of public funds authorized under
32 chapter 239, 249, 249A, 252, 253, or 255, the pharmacist shall
33 exercise professional judgment by selecting a drug product of
34 the same generic name and demonstrated bioavailability but of
35 a lesser cost than the one prescribed for dispensing and sale

1 to the person unless the physician, therapeutically certified
2 optometrist, dentist, or podiatrist specifically states that
3 only that designated brand or trade name drug product is to be
4 dispensed. However, a pharmacy to which the prescription is
5 presented or communicated is not required to substitute a drug
6 product of the same generic name and demonstrated
7 bioavailability but of lesser cost unless the pharmacy has in
8 stock one or more such drug products.

9 EXPLANATION

10 The bill provides that therapeutically certified
11 optometrists may employ and supply oral antimicrobial agents,
12 topical and oral antiglaucoma agents and oral analgesic
13 agents. Therapeutically certified optometrists are also
14 permitted to treat glaucoma. The bill provides that prior to
15 administering these medications, a therapeutically certified
16 optometrist shall complete an additional forty-four hours of
17 education with emphasis on treatment and management of ocular
18 diseases. Therapeutically certified optometrists who fail to
19 comply with the additional educational requirements by July 1,
20 1988 will have their certification revoked by the board of
21 optometry examiners.

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SENATE FILE 216

S-3074

1 Amend Senate File 216 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "Sec. ____ . NEW SECTION. 154.11 PATIENT REFERRAL.

5 A therapeutically certified optometrist shall
6 immediately refer a patient to a person licensed under
7 chapter 148 or 150A if the patient is found to have a
8 visual acuity not correctable beyond twenty-forty."

9 2. By renumbering as necessary.

S-3074

Filed February 24, 1987

BY JEAN LLOYD-JONES

Lost 2/25/87 (p 460)

SENATE FILE 216

S-3075

1 Amend Senate File 216 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "Sec. ____ . NEW SECTION. 154.11 PATIENT REFERRAL.

5 A therapeutically certified optometrist shall
6 immediately refer a patient to a person licensed under
7 chapter 148 or 150A if the patient is found to have an
8 intraocular pressure over thirty millimeters of
9 mercury or a visual field defect."

10 2. By renumbering as necessary.

S-3075

Filed February 24, 1987

BY JEAN LLOYD-JONES

4/10 2/25 (p 460)

SENATE FILE 216

S-3078

1 Amend Senate File 216 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "Sec. ____ . NEW SECTION. 154.11 ADVISORY BOARD.

5 1. An advisory board on the diagnosis and
6 treatment of glaucoma by optometrists shall be
7 appointed by the director of the Iowa department of
8 public health and shall exist until the board of
9 optometry examiners includes three therapeutically
10 certified optometrists who have diagnosed and treated
11 at least fifty patients with glaucoma. The advisory
12 board shall consist of one licensed pharmacist, two
13 licensed optometrists, two persons licensed under
14 chapter 148 or chapter 150A and two persons
15 representing the general public. Members shall serve
16 terms of four years and shall receive their actual
17 expenses and forty dollars per diem paid by the board
18 of optometry examiners.

19 2. The advisory board shall review and approve the
20 examinations, grading of the examinations, and
21 training of persons seeking to become licensed as
22 therapeutically certified optometrists."

23 2. By renumbering as necessary.

S-3078

Filed February 24, 1987

BY JULIA GENTLEMAN

Lost 2/25/87 (p 458)

SENATE FILE 216

S-3070

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, line 5, by inserting after the word
- 3 "adnexa" the words "and passage of an examination
- 4 prescribed by the board".

S-3070

Filed February 24, 1987 BY JULIA GENTLEMAN
OUT OF ORDER (p. 449)

SENATE FILE 216

S-3071

- 1 Amend Senate File 216 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "oral" the word "nonnarcotic".

S-3071

Filed February 24, 1987 BY JULIA GENTLEMAN
LOST (p. 449)

SENATE FILE 216

S-3072

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, line 10, by striking the word
- 3 "education" and inserting the following: "didactic
- 4 education".
- 5 2. Page 2, by inserting after line 16 the
- 6 following: "The board shall also require that prior
- 7 to such utilization therapeutically certified
- 8 optometrists shall obtain at least an additional fifty
- 9 hours of approved supervised clinical training
- 10 directed specifically towards diagnosis and treatment
- 11 of glaucoma during the course of which they shall be
- 12 required to participate in the examination and
- 13 treatment of not less than one hundred eighty glaucoma
- 14 patients."

S-3072

Filed February 24, 1987 BY JULIA GENTLEMAN
LOST (p. 449)

SENATE FILE 216

S-3073

- 1 Amend Senate File 216 as follows:
- 2 1. Page 2, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 154.11 GLAUCOMA PATIENTS
- 5 REFERRED.
- 6 A therapeutically certified optometrist shall
- 7 immediately, after providing initial emergency
- 8 treatment, refer a patient to a person licensed under
- 9 chapter 148 or 150A if the patient is found to have
- 10 angle closure glaucoma or neovascular glaucoma."
- 11 2. By renumbering as necessary.

S-3073

Filed February 24, 1987 BY JEAN LLOYD-JONES
Lost 2/25/87 (p. 460)

1 Section 1. Section 154.1, unnumbered paragraph 3, Code
2 1987, is amended to read as follows:

3 Therapeutically certified optometrists may employ the
4 following pharmaceuticals; topical and oral antimicrobial
5 agents, topical and oral antihistamines, topical and oral
6 anti-glaucoma agents, topical anti-inflammatory agents, topical
7 and oral analgesic agents and topical anesthetic agents and
8 notwithstanding section 147.107, may without charge supply any
9 of the above listed pharmaceuticals to commence a course of
10 therapy. Superficial foreign bodies may be removed from the
11 human eye and adnexa. These therapeutic efforts are intended
12 for the purpose of examination, diagnosis, and treatment of
13 visual defects, abnormal conditions and diseases of the human
14 eye and adnexa, ~~except-glaucoma,~~ for proper optometric
15 practice or referral for consultation or treatment to persons
16 licensed under chapter 148 or 150A. A therapeutically
17 certified optometrist is an optometrist who is licensed to
18 practice optometry in this state and who is certified by the
19 board of optometry examiners to use the agents and procedures
20 listed above. A therapeutically certified optometrist shall
21 be provided with a distinctive certificate by the board which
22 shall be displayed for viewing by the patients of the
23 optometrist.

24 Sec. 2. Section 154.3, subsection 6, Code 1987, is amended
25 to read as follows:

26 6. A person licensed in any state as an optometrist prior
27 to January 1, 1986, who applies to be a therapeutically
28 certified optometrist shall first satisfactorily complete a
29 course as defined by rule of the board of optometry examiners
30 with particular emphasis on the examination, diagnosis and
31 treatment of conditions of the human eye and adnexa provided
32 by an institution accredited by a regional or professional
33 accreditation organization which is recognized or approved by
34 the council on postsecondary accreditation of the United
35 States office of education, and approved by the board of

1 optometry examiners. The rule of the board shall require a
2 course including a minimum of forty hours of didactic
3 education and sixty hours of approved supervised clinical
4 training in the examination, diagnosis, and treatment of
5 conditions of the human eye and adnexa. Effective July 1,
6 1987, the board shall require that therapeutically certified
7 optometrists prior to the utilization of topical and oral
8 anti-glaucoma agents, oral antimicrobial agents and oral
9 analgesic agents shall complete an additional forty-four hours
10 of education with emphasis on treatment and management of
11 glaucoma and use of oral pharmaceutical agents for treatment
12 and management of ocular diseases, provided by an institution
13 accredited by a regional or professional accreditation
14 organization which is recognized or approved by the council on
15 postsecondary accreditation of the United States office of
16 education, and approved by the board of optometry examiners.
17 Upon completion of the additional forty-four hours of
18 education, a therapeutically certified optometrist shall also
19 pass an oral or written examination prescribed by the board.
20 The board shall suspend the optometrists therapeutic
21 certificate for failure to comply with this subsection by July
22 1, 1988.

23 Sec. 3. Section 155.6, Code 1987, is amended to read as
24 follows:

25 155.6 SALES BY UNLICENSED PERSON.

26 No An unlicensed person or licensed pharmacist shall not
27 allow anyone who is not a licensed pharmacist to fill the
28 prescriptions of licensed physicians, dentists, podiatrists,
29 therapeutically certified optometrists, or veterinarians,
30 except a person who is registered with the board of pharmacy
31 examiners pursuant to the practical experience requirements of
32 this chapter and unless the same be done under the immediate
33 personal supervision of a licensed pharmacist. All drugs and
34 medicines requiring a prescription which are sold, exposed or
35 offered for sale shall be under the immediate personal

1 supervision of a licensed pharmacist at all times except for
2 temporary absences. However, during a period of temporary
3 absence of a licensed pharmacist, no drugs or medicines
4 requiring a prescription shall be sold or offered for sale in
5 the pharmacy except proprietary medicines or domestic
6 remedies.

7 Sec. 4. Section 155.29, subsection 3, Code 1987, is
8 amended to read as follows:

9 3. For the purpose of obtaining a prescription drug,
10 falsely assume the title of or claim to be a manufacturer,
11 wholesaler, pharmacist, pharmacy owner, physician, dentist,
12 podiatrist, therapeutically certified optometrist,
13 veterinarian, or other authorized person.

14 Sec. 5. Section 155.35, Code 1987, is amended to read as
15 follows:

16 155.35 NAME AND STRENGTH OF DRUG ON PRESCRIPTION LABEL.

17 Unless the prescription indicates to the contrary, the
18 label of any drug sold and dispensed on the prescription of a
19 licensed physician, therapeutically certified optometrist,
20 dentist or podiatrist shall include the name and strength of
21 the drug.

22 Sec. 6. Section 155.36, Code 1987, is amended to read as
23 follows:

24 155.36 NONEQUIVALENT DRUG OR DRUG PRODUCT LIST.

25 The board shall be responsible for designating drugs or
26 drug products which, because of the lack of demonstrated
27 bioavailability, would pose an actual threat to the health,
28 safety, and welfare of the people of Iowa if such the drugs or
29 drug products were subject to dispensing under ~~the provision~~
30 ~~of~~ section 155.37. Within one hundred eighty days after July
31 1, 1976, the board shall cause to be issued a list of those
32 drugs or drug products which have been demonstrated as being
33 nonequivalent and are not interchangeable as determined by the
34 federal food and drug administration. The board shall mail a
35 copy of the nonequivalent drug or drug product list to each

1 pharmacy registered with it and each physician, dentist,
2 podiatrist and veterinarian licensed to practice in this
3 state. Thereafter, the board shall from time to time make
4 additions to or deletions from the nonequivalent drug or drug
5 product list as determined by the federal food and drug
6 administration. Notification of such additions or deletions
7 shall be made promptly to each pharmacist registered with the
8 board and each physician, dentist, podiatrist, therapeutically
9 certified optometrist, and veterinarian licensed to practice
10 in this state.

11 Sec. 7. Section 155.37, subsection 1, paragraphs a and b,
12 Code 1987, are amended to read as follows:

13 1. a. If a physician, dentist, podiatrist, therapeutically
14 certified optometrist, or veterinarian prescribes, either in
15 writing or orally, a drug by its brand or trade name and does
16 not specifically state that only that designated brand or
17 trade name drug product is to be dispensed, and if the
18 pharmacy to which the prescription is presented or
19 communicated has in stock one or more other drug products with
20 the same generic name and demonstrated bioavailability as the
21 one prescribed, the pharmacist may exercise professional
22 judgment in the economic interest of the patient or the
23 patient's adult representative who is purchasing the
24 prescription by selecting a drug product generically
25 equivalent to but of lesser cost than the one prescribed for
26 dispensing and sale to the patient. If the pharmacist does
27 so, the pharmacist shall inform the patient or the patient's
28 adult representative of the savings which the patient will
29 obtain as a result of substitution and pass on to the patient
30 or the patient's representative no less than fifty percent of
31 the difference in actual acquisition costs between the drug
32 prescribed and the drug substituted.

33 b. If the cost of the prescription or any part of it will
34 be paid by expenditure of public funds authorized under
35 chapter 239, 249, 249A, 252, 253, or 255, the pharmacist shall

1 exercise professional judgment by selecting a drug product of
2 the same generic name and demonstrated bioavailability but of
3 a lesser cost than the one prescribed for dispensing and sale
4 to the person unless the physician, therapeutically certified
5 optometrist, dentist, or podiatrist specifically states that
6 only that designated brand or trade name drug product is to be
7 dispensed. However, a pharmacy to which the prescription is
8 presented or communicated is not required to substitute a drug
9 product of the same generic name and demonstrated
10 bioavailability but of lesser cost unless the pharmacy has in
11 stock one or more such drug products.

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SENATE FILE 216

H-3706

1 Amend Senate File 216, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 2C.1 LEGISLATIVE
6 POLICY.

7 The general assembly finds that the right of every
8 person to engage in a lawful profession of providing
9 personal health care services is a right which should
10 not be abridged except as a reasonable exercise of the
11 state's police power when it is clearly found to be
12 necessary for the preservation of the health, safety,
13 and welfare of the public.

14 It is declared to be the policy of the state that
15 no regulation shall be imposed on these professions
16 except for the exclusive purpose of protecting the
17 public interest when:

18 1. Its unregulated practice can harm or endanger
19 the health, safety, and welfare of the public.

20 2. Its practice requires specialized skill or
21 training and the public needs and will benefit from
22 assurances of initial and continuing professional
23 ability.

24 3. The public is not effectively protected by
25 other means.

26 Sec. 2. NEW SECTION. 2C.2 COMMISSION
27 ESTABLISHED.

28 A commission on professional health care practices
29 regulation is established. The commission shall be
30 bipartisan and be composed of seventeen members
31 appointed by the legislative council as follows:

32 1. One member shall be selected from the public
33 members serving on the dental examining board.

34 2. One member shall be selected from the public
35 members serving on the medical examining board.

36 3. One member shall be selected from the public
37 members serving on the nursing examining board.

38 4. One member shall be selected from the public
39 members serving on the pharmacy examining board.

40 5. One member shall be selected from the public
41 members serving on the chiropractic examining board.

42 6. One member shall be selected from the public
43 members serving on the dietetics examining board.

44 7. One member shall be selected from the public
45 members serving on the optometry examining board.

46 8. One member shall be selected from the public
47 members serving on the podiatry examining board.

48 9. One member shall be selected from the public
49 members serving on the physical and occupational
50 therapy examining board.

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Page Two

- 1 10. Six public members.
2 11. One member who is a hospital administrator.
3 12. One member who is knowledgeable in health
4 insurance.
5 A member of the general assembly shall not serve on
6 the commission.
- 7 Sec. 3. NEW SECTION. 2C.3 TERM OF OFFICE.
8 A commission member shall be appointed for a term
9 of four years. However, of the initial appointments,
10 four shall be for a term of one year, four shall be
11 for a term of two years, four shall be for a term of
12 three years, and five shall be for a term of four
13 years. If a vacancy occurs, the appointment of a
14 person to fill the vacancy shall be for the remainder
15 of that term of office. The term of a member
16 appointed under section 2C.2, subsections 1 through 9,
17 shall expire upon the expiration of the term of the
18 member's appointment to the board specified in section
19 2C.2, subsections 1 through 9.
- 20 Sec. 4. NEW SECTION. 2C.4 ORGANIZATION --
21 COMPENSATION.
22 The commission shall organize annually and elect a
23 chairperson and vice chairperson.
24 The members of the commission shall be paid a per
25 diem of forty dollars and actual and necessary
26 expenses from funds appropriated by section 2.12.
- 27 Sec. 5. NEW SECTION. 2C.5 DUTIES.
28 1. The commission shall review all requests for
29 changes in the professional qualifications, insurance
30 coverage, direct insurance payment, and scope of
31 practice in those areas of health care regulations
32 including but not limited to the practices of
33 medicine, dentistry, pharmacy, nursing, chiropractics,
34 dietetics, optometry, podiatry, and occupational and
35 physical therapy. Any proposed amendments in the law
36 relating to these professional practices shall be
37 submitted to the commission for its review. Upon
38 review of these recommendations by the commission, the
39 commission shall refer the recommendations to the
40 general assembly for its consideration.
- 41 2. In reviewing recommendations relating to these
42 professional practices, the commission shall consider
43 the following social impacts:
44 a. To what extent is the treatment or service
45 related to the individual mandates or direct pay
46 issues under insurance coverage and whether the
47 treatment or services are utilized by a significant
48 portion of the population.
49 b. To what extent is the insurance coverage
50 presently generally available.

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1 c. If insurance coverage is not generally
2 available for the treatment or service, to what extent
3 does the lack of coverage result in persons avoiding
4 necessary health care treatments.

5 d. If the insurance coverage is not generally
6 available, to what extent does the lack of coverage
7 result in unreasonable financial hardship to the
8 public.

9 e. What is the level of public demand for the
10 treatment or service.

11 f. What is the level of public demand for
12 insurance coverage for the treatment or service.

13 g. What is the level of interest of collective
14 bargaining agents in negotiating privately for
15 inclusion of this coverage in group contracts.

16 3. In reviewing recommendations relating to these
17 professional practices, the commission shall also
18 consider the following financial impacts:

19 a. To what extent will the coverage increase or
20 decrease the cost of the treatment or service.

21 b. To what extent will the coverage increase the
22 appropriate use of the treatment or service.

23 c. To what extent will the mandated treatment or
24 service be a substitute for more expensive treatment
25 or service.

26 d. To what extent will the coverage increase or
27 decrease the administrative expenses of insurance
28 companies and the premium and administrative expenses
29 of policyholders.

30 e. To what extent will this coverage impact the
31 total cost of health care.

32 f. To what extent are educational and supervised
33 clinical opportunities available to teach any
34 authorized practice or techniques.

35 Sec. 6. NEW SECTION. 2C.6 RESEARCH AND
36 STATISTICS.

37 The commission shall develop a data base of the
38 laws and rules regulating these professions in other
39 states. The commission shall also monitor the social
40 and financial impacts of any changes in the law and
41 rules of other states. The commission may employ a
42 consultant to assist it in compiling the information
43 necessary for it to make decisions on issues submitted
44 to the commission. The commission shall annually
45 issue a summary of its data to the general assembly
46 upon the convening of the general assembly.

47 Sec. 7. NEW SECTION. 2C.7 STAFF SUPPORT.

48 The legislative service bureau shall provide
49 administrative and staff assistance to the commission.
50 The commission may also request the assistance of the

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Page Four

1 legislative fiscal bureau, the Iowa department of
 2 public health, the health data commission, the
 3 department of human services, and the department of
 4 commerce and upon request, those agencies shall
 5 cooperate with the commission and provide the
 6 assistance required.

7 Sec. 8. NEW SECTION. 2C.8 PROPOSALS SUBMITTED.

8 If any of the professional practices have a
 9 proposal to submit relating to the regulation of the
 10 practice, the proposal shall be submitted to the
 11 commission. The commission shall conduct an
 12 investigation of the impact of the proposal as
 13 provided in this chapter and compile a record of its
 14 findings and recommendations to the legislative
 15 council and the general assembly by January 1 of each
 16 year. The commission may file interim reports with
 17 the legislative service bureau when the commission
 18 deems it necessary. In its review of the proposal,
 19 the commission may conduct public hearings, receive
 20 testimony and conduct such additional investigations
 21 as it determines necessary to make its
 22 recommendations."

23 2. Title page, lines 1 through 3, by striking the
 24 words "allowing therapeutically certified optometrists
 25 to employ and supply certain pharmaceutical agents and
 26 to treat certain conditions" and inserting the
 27 following: "creating a commission on professional
 28 health care practices to review the fiscal and social
 29 impact of changes in certain professional health care
 30 practices".

BY JOCHUM of Dubuque
 SWARTZ of Marshall
 HANSON of Delaware

H-3706 FILED APRIL 10, 1987

Revised next german 4/21 (p 1557)
Revised suspended
Considered & lost 4/21 (p 1559)

SENATE FILE 216

H-3733

1 Amend Senate File 216, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 2, by inserting after line 22 the fol-
4 lowing:

5 "The board shall adopt rules requiring an
6 additional twenty hours per biennium of continuing
7 education in the treatment and management of ocular
8 disease for all therapeutically certified
9 optometrists. The department of ophthalmology of the
10 school of medicine of the State University of Iowa
11 shall be one of the providers of this continuing
12 education."

H-3733 FILED APRIL 13, 1987 BY PETERSON of Carroll
Adopted 4/21/87 (p. 1559)

SENATE FILE 216

H-3786

1 Amend the amendment, H-3706, to Senate File 216, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 30, by striking the word
5 "seventeen" and inserting the following: "nineteen".

6 2. Page 1, by inserting after line 50 the
7 following:

8 "_____. One member shall be selected from the public
9 members serving on the psychology examining board."

10 3. Page 2, line 1, by striking the word "Six" and
11 inserting the following: "Seven".

12 4. Page 2, line 10, by striking the words "year
13 four" and inserting the following: "year, five".

14 5. Page 2, line 11, by striking the word "four"
15 and inserting the following: "five".

16 6. Page 2, line 34, by inserting after the word
17 "podiatry," the following: "psychology,".

H-3786 FILED APRIL 15, 1987 BY JOCHUM of Dubuque
Adopted 4/21/87 (p. 1557)

SSB #16
State Govt.

M. J. ...

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing therapeutically certified optometrists to
2 prescribe and dispense certain pharmaceutical agents and to
3 treat certain conditions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUB COMMITTEE ASSIGNMENTS

W. H. Steleman
COMMITTEE: *State Govt.*
1-12-87

1 Section 1. Section 147.107, subsections 1 and 2, Code
2 1987, are amended to read as follows:

3 1. A person, other than a pharmacist, physician, dentist,
4 podiatrist, therapeutically certified optometrist, or
5 veterinarian who dispenses as an incident to the practice of
6 the practitioner's profession, shall not dispense prescription
7 drugs or controlled substances.

8 2. A pharmacist, physician, dentist, therapeutically
9 certified optometrist, or podiatrist who dispenses
10 prescription drugs, including but not limited to controlled
11 substances, for human use, may delegate nonjudgmental
12 dispensing functions to staff assistants only when
13 verification of the accuracy and completeness of the
14 prescription is determined by the pharmacist or practitioner
15 in the pharmacist's or practitioner's physical presence.

16 Sec. 2. Section 154.1, unnumbered paragraph 3, Code 1987,
17 is amended to read as follows:

18 Therapeutically certified optometrists may employ the
19 following pharmaceuticals; topical and oral antimicrobial
20 agents, topical and oral antihistamines, topical and oral
21 antiglaucoma agents, topical anti-inflammatory agents, topical
22 and oral analgesic agents and topical anesthetic agents.
23 Superficial foreign bodies may be removed from the human eye
24 and adnexa. These therapeutic efforts are intended for the
25 purpose of examination, diagnosis, and treatment of visual
26 defects, abnormal conditions and diseases of the human eye and
27 adnexa, ~~except-glaucoma~~, for proper optometric practice or
28 referral for consultation or treatment to persons licensed
29 under chapter 148 or 150A. A therapeutically certified
30 optometrist is an optometrist who is licensed to practice
31 optometry in this state and who is certified by the board of
32 optometry examiners to use the agents and procedures listed
33 above. A therapeutically certified optometrist shall be
34 provided with a distinctive certificate by the board which
35 shall be displayed for viewing by the patients of the

1 optometrist.

2 Sec. 3. Section 154.3, subsection 6, Code 1987, is amended
3 to read as follows:

4 6. A person licensed in any state as an optometrist prior
5 to January 1, 1986, who applies to be a therapeutically
6 certified optometrist shall first satisfactorily complete a
7 course as defined by rule of the board of optometry examiners
8 with particular emphasis on the examination, diagnosis and
9 treatment of conditions of the human eye and adnexa provided
10 by an institution accredited by a regional or professional
11 accreditation organization which is recognized or approved by
12 the council on postsecondary accreditation of the United
13 States office of education, and approved by the board of
14 optometry examiners. The rule of the board shall require a
15 course including a minimum of forty hours of didactic
16 education and sixty hours of approved supervised clinical
17 training in the examination, diagnosis, and treatment of
18 conditions of the human eye and adnexa. Effective July 1,
19 1987, the board shall require that therapeutically certified
20 optometrist prior to the utilization of topical and oral anti-
21 glaucoma agents, oral antimicrobial agents and oral analgesic
22 agents shall complete an additional forty-four hours of
23 education with emphasis on treatment and management of
24 glaucoma and use of oral pharmaceutical agents for treatment
25 and management of ocular diseases, provided by an institution
26 accredited by a regional or professional accreditation
27 organization which is recognized or approved by the council on
28 postsecondary accreditation of the United States office of
29 education, and approved by the board of optometry examiners.
30 The board shall suspend the optometrists therapeutic
31 certificate for failure to comply with this subsection by July
32 1, 1988.

33 Sec. 4. Section 155.2, subsection 2, Code 1987, is amended
34 to read as follows:

35 2. Persons licensed to practice medicine, dentistry,

1 podiatry, optometry, or veterinary medicine who dispense drugs
2 and medicines as an incident to the practice of their
3 professions.

4 Sec. 5. Section 155.6, Code 1987, is amended to read as
5 follows:

6 155.6 SALES BY UNLICENSED PERSON.

7 No An unlicensed person or licensed pharmacist shall not
8 allow anyone who is not a licensed pharmacist to fill the
9 prescriptions of licensed physicians, dentists, podiatrists,
10 therapeutically certified optometrist, or veterinarians,
11 except a person who is registered with the board of pharmacy
12 examiners pursuant to the practical experience requirements of
13 this chapter and unless the same be done under the immediate
14 personal supervision of a licensed pharmacist. All drugs and
15 medicines requiring a prescription which are sold, exposed or
16 offered for sale shall be under the immediate personal
17 supervision of a licensed pharmacist at all times except for
18 temporary absences. However, during a period of temporary
19 absence of a licensed pharmacist, no drugs or medicines
20 requiring a prescription shall be sold or offered for sale in
21 the pharmacy except proprietary medicines or domestic
22 remedies.

23 Sec. 6. Section 155.29, subsection 3, Code 1987, is
24 amended to read as follows:

25 3. For the purpose of obtaining a prescription drug,
26 falsely assume the title of or claim to be a manufacturer,
27 wholesaler, pharmacist, pharmacy owner, physician, dentist,
28 podiatrist, therapeutically certified optometrist,
29 veterinarian, or other authorized person.

30 Sec. 7. Section 155.35, Code 1987, is amended to read as
31 follows:

32 155.35 NAME AND STRENGTH OF DRUG ON PRESCRIPTION LABEL.

33 Unless the prescription indicates to the contrary, the
34 label of any drug sold and dispensed on the prescription of a
35 licensed physician, therapeutically certified optometrist,

1 dentist or podiatrist shall include the name and strength of
2 the drug.

3 Sec. 8. Section 155.36, Code 1987, is amended to read as
4 follows:

5 155.36 NONEQUIVALENT DRUG OR DRUG PRODUCT LIST.

6 The board shall be responsible for designating drugs or
7 drug products which, because of the lack of demonstrated
8 bioavailability, would pose an actual threat to the health,
9 safety, and welfare of the people of Iowa if such the drugs or
10 drug products were subject to dispensing under ~~the provision~~
11 ~~of~~ section 155.37. Within one hundred eighty days after July
12 1, 1976, the board shall cause to be issued a list of those
13 drugs or drug products which have been demonstrated as being
14 nonequivalent and are not interchangeable as determined by the
15 federal food and drug administration. The board shall mail a
16 copy of the nonequivalent drug or drug product list to each
17 pharmacy registered with it and each physician, dentist,
18 podiatrist and veterinarian licensed to practice in this
19 state. Thereafter, the board shall from time to time make
20 additions to or deletions from the nonequivalent drug or drug
21 product list as determined by the federal food and drug
22 administration. Notification of such additions or deletions
23 shall be made promptly to each pharmacist registered with the
24 board and each physician, dentist, podiatrist, therapeutically
25 certified optometrist, and veterinarian licensed to practice
26 in this state.

27 Sec. 9. Section 155.37, subsection 1, paragraphs a and b,
28 Code 1987, are amended to read as follows:

29 1. a. If a physician, dentist, podiatrist, therapeutically
30 certified optometrist, or veterinarian prescribes, either in
31 writing or orally, a drug by its brand or trade name and does
32 not specifically state that only that designated brand or
33 trade name drug product is to be dispensed, and if the
34 pharmacy to which the prescription is presented or
35 communicated has in stock one or more other drug products with

1 the same generic name and demonstrated bioavailability as the
2 one prescribed, the pharmacist may exercise professional
3 judgment in the economic interest of the patient or the
4 patient's adult representative who is purchasing the
5 prescription by selecting a drug product generically
6 equivalent to but of lesser cost than the one prescribed for
7 dispensing and sale to the patient. If the pharmacist does
8 so, the pharmacist shall inform the patient or the patient's
9 adult representative of the savings which the patient will
10 obtain as a result of substitution and pass on to the patient
11 or the patient's representative no less than fifty percent of
12 the difference in actual acquisition costs between the drug
13 prescribed and the drug substituted.

14 b. If the cost of the prescription or any part of it will
15 be paid by expenditure of public funds authorized under
16 chapter 239, 249, 249A, 252, 253, or 255, the pharmacist shall
17 exercise professional judgment by selecting a drug product of
18 the same generic name and demonstrated bioavailability but of
19 a lesser cost than the one prescribed for dispensing and sale
20 to the person unless the physician, therapeutically certified
21 optometrist, dentist, or podiatrist specifically states that
22 only that designated brand or trade name drug product is to be
23 dispensed. However, a pharmacy to which the prescription is
24 presented or communicated is not required to substitute a drug
25 product of the same generic name and demonstrated
26 bioavailability but of lesser cost unless the pharmacy has in
27 stock one or more such drug products.

28 Sec. 10. Section 204.101, subsection 23, paragraph a, Code
29 1987, is amended to read as follows:

30 a. A physician, dentist, podiatrist, therapeutically
31 certified optometrist, veterinarian, scientific investigator
32 or other person licensed, registered or otherwise permitted to
33 distribute, dispense, conduct research with respect to or to
34 administer a controlled substance in the course of
35 professional practice or research in this state.

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EXPLANATION

The bill provides that therapeutically certified optometrists may dispense oral antimicrobial agents, topical and oral antiglaucoma agents and oral analgesic agents. Therapeutically certified optometrists are also permitted to treat glaucoma. The bill provides that prior to administering or prescribing these medications, a therapeutically certified optometrist shall complete an additional forty-four hours of education with emphasis on treatment and management of ocular diseases. Therapeutically certified optometrists who fail to comply with the additional educational requirements by July 1, 1988 will have their certification revoked by the board of optometry examiners.

postsecondary accreditation of the United States office of education, and approved by the board of optometry examiners. Upon completion of the additional forty-four hours of education, a therapeutically certified optometrist shall also pass an oral or written examination prescribed by the board. The board shall suspend the optometrists therapeutic certificate for failure to comply with this subsection by July 1, 1988.

The board shall adopt rules requiring an additional twenty hours per biennium of continuing education in the treatment and management of ocular disease for all therapeutically certified optometrists. The department of ophthalmology of the school of medicine of the State University of Iowa shall be one of the providers of this continuing education.

Sec. 3. Section 155.6, Code 1987, is amended to read as follows:

155.6 SALES BY UNLICENSED PERSON.

No An unlicensed person or licensed pharmacist shall not allow anyone who is not a licensed pharmacist to fill the prescriptions of licensed physicians, dentists, podiatrists, therapeutically certified optometrists, or veterinarians, except a person who is registered with the board of pharmacy examiners pursuant to the practical experience requirements of this chapter and unless the same be done under the immediate personal supervision of a licensed pharmacist. All drugs and medicines requiring a prescription which are sold, exposed or offered for sale shall be under the immediate personal supervision of a licensed pharmacist at all times except for temporary absences. However, during a period of temporary absence of a licensed pharmacist, no drugs or medicines requiring a prescription shall be sold or offered for sale in the pharmacy except proprietary medicines or domestic remedies.

Sec. 4. Section 155.29, subsection 3, Code 1987, is amended to read as follows:

3. For the purpose of obtaining a prescription drug, falsely assume the title of or claim to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatrist, therapeutically certified optometrist, veterinarian, or other authorized person.

Sec. 5. Section 155.35, Code 1987, is amended to read as follows:

155.35 NAME AND STRENGTH OF DRUG ON PRESCRIPTION LABEL.

Unless the prescription indicates to the contrary, the label of any drug sold and dispensed on the prescription of a licensed physician, therapeutically certified optometrist, dentist or podiatrist shall include the name and strength of the drug.

Sec. 6. Section 155.36, Code 1987, is amended to read as follows:

155.36 NONEQUIVALENT DRUG OR DRUG PRODUCT LIST.

The board shall be responsible for designating drugs or drug products which, because of the lack of demonstrated bioavailability, would pose an actual threat to the health, safety, and welfare of the people of Iowa if such the drugs or drug products were subject to dispensing under the provision of section 155.37. Within one hundred eighty days after July 1, 1976, the board shall cause to be issued a list of those drugs or drug products which have been demonstrated as being nonequivalent and are not interchangeable as determined by the federal food and drug administration. The board shall mail a copy of the nonequivalent drug or drug product list to each pharmacy registered with it and each physician, dentist, podiatrist and veterinarian licensed to practice in this state. Thereafter, the board shall from time to time make additions to or deletions from the nonequivalent drug or drug product list as determined by the federal food and drug administration. Notification of such additions or deletions shall be made promptly to each pharmacist registered with the board and each physician, dentist, podiatrist, therapeutically

SENATE FILE 216

AN ACT

ALLOWING THERAPEUTICALLY CERTIFIED OPTOMETRISTS TO EMPLOY AND
SUPPLY CERTAIN PHARMACEUTICAL AGENTS AND TO TREAT CERTAIN
CONDITIONS.

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

Section 1. Section 154.1, unnumbered paragraph 3, Code
1987, is amended to read as follows:

Therapeutically certified optometrists may employ the
following pharmaceuticals; topical and oral antimicrobial
agents, topical and oral antihistamines, topical and oral
antiglaucoma agents, topical anti-inflammatory agents, topical
and oral analgesic agents and topical anesthetic agents and
notwithstanding section 147.107, may without charge supply any
of the above listed pharmaceuticals to commence a course of
therapy. Superficial foreign bodies may be removed from the
human eye and adnexa. These therapeutic efforts are intended
for the purpose of examination, diagnosis, and treatment of
visual defects, abnormal conditions and diseases of the human
eye and adnexa, ~~except glaucoma~~ for proper optometric

practice or referral for consultation or treatment to persons
licensed under chapter 148 or 150A. A therapeutically
certified optometrist is an optometrist who is licensed to
practice optometry in this state and who is certified by the
board of optometry examiners to use the agents and procedures
listed above. A therapeutically certified optometrist shall
be provided with a distinctive certificate by the board which
shall be displayed for viewing by the patients of the
optometrist.

Sec. 2. Section 154.3, subsection 6, Code 1987, is amended
to read as follows:

6. A person licensed in any state as an optometrist prior
to January 1, 1986, who applies to be a therapeutically
certified optometrist shall first satisfactorily complete a
course as defined by rule of the board of optometry examiners
with particular emphasis on the examination, diagnosis and
treatment of conditions of the human eye and adnexa provided
by an institution accredited by a regional or professional
accreditation organization which is recognized or approved by
the council on postsecondary accreditation of the United
States office of education, and approved by the board of
optometry examiners. The rule of the board shall require a
course including a minimum of forty hours of didactic
education and sixty hours of approved supervised clinical
training in the examination, diagnosis, and treatment of
conditions of the human eye and adnexa. Effective July 1,
1987, the board shall require that therapeutically certified
optometrists prior to the utilization of topical and oral
antiglaucoma agents, oral antimicrobial agents and oral
analgesic agents shall complete an additional forty-four hours
of education with emphasis on treatment and management of
glaucoma and use of oral pharmaceutical agents for treatment
and management of ocular diseases, provided by an institution
accredited by a regional or professional accreditation
organization which is recognized or approved by the council on

certified optometrist, and veterinarian licensed to practice in this state.

Sec. 7. Section 155.37, subsection 1, paragraphs a and b, Code 1987, are amended to read as follows:

1. a. If a physician, dentist, podiatrist, therapeutically certified optometrist, or veterinarian prescribes, either in writing or orally, a drug by its brand or trade name and does not specifically state that only that designated brand or trade name drug product is to be dispensed, and if the pharmacy to which the prescription is presented or communicated has in stock one or more other drug products with the same generic name and demonstrated bioavailability as the one prescribed, the pharmacist may exercise professional judgment in the economic interest of the patient or the patient's adult representative who is purchasing the prescription by selecting a drug product generically equivalent to but of lesser cost than the one prescribed for dispensing and sale to the patient. If the pharmacist does so, the pharmacist shall inform the patient or the patient's adult representative of the savings which the patient will obtain as a result of substitution and pass on to the patient or the patient's representative no less than fifty percent of the difference in actual acquisition costs between the drug prescribed and the drug substituted.

b. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 239, 249, 249A, 252, 253, or 255, the pharmacist shall exercise professional judgment by selecting a drug product of the same generic name and demonstrated bioavailability but of a lesser cost than the one prescribed for dispensing and sale to the person unless the physician, therapeutically certified optometrist, dentist, or podiatrist specifically states that only that designated brand or trade name drug product is to be dispensed. However, a pharmacy to which the prescription is presented or communicated is not required to substitute a drug

product of the same generic name and demonstrated bioavailability but of lesser cost unless the pharmacy has in stock one or more such drug products.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 216, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 7, 1987

TERRY E. BRANSTAD
Governor

SF 216