

**CHAPTER 248**  
**OPTOMETRISTS USE OF PHARMACEUTICAL AGENTS**

*S.F. 438*

**AN ACT** allowing licensed optometrists to administer and prescribe certain pharmaceutical agents.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 154.1, Code 1985, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Therapeutically certified optometrists may employ the following pharmaceuticals; topical antimicrobial agents, topical and oral antihistamines, topical anti-inflammatory agents, topical analgesic agents and topical anesthetic agents. 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, Code 1985, is amended by adding the following new subsections:

**NEW SUBSECTION. 7.** A person applying to be licensed as an optometrist after January 1, 1986, shall also apply to be a therapeutically certified optometrist and shall, in addition to satisfactorily completing all requirements for a license to practice optometry, satisfactorily complete a course as defined by rule of the state 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. The board may also, by rule, provide a procedure by which an applicant who has received didactic education meeting the requirements of rules adopted pursuant to this subsection at an approved school of optometry may apply to the board for a waiver of the didactic education requirements of this subsection.

NEW SUBSECTION. 8. 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.

NEW SUBSECTION. 9. Persons licensed in any state as an optometrist prior to January 1, 1986, who apply to be a therapeutically certified optometrist shall also be required to qualify as a certified licensed optometrist as defined in subsections 4, 5, and 6.

NEW SUBSECTION. 10. In addition to the examination required by subsection 3, a person applying to be a therapeutically certified optometrist shall also pass an examination prescribed by the board of optometry examiners in the examination, diagnosis, and treatment of diseases of the human eye and adnexa.

Sec. 3. Section 154.10, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A therapeutically certified optometrist employing pharmaceutical agents as authorized by section 154.1 shall be held to the same standard of care in the use of such agents and in diagnosis and treatment as is common to persons licensed under chapter 148 or 150A in this state.

Sec. 4. Section 155.1, subsection 2, Code 1985, is amended to read as follows:

2. Persons who compound or dispense drugs and medicines or fill the prescriptions of licensed physicians and surgeons, dentists, podiatrists, therapeutically certified optometrists or veterinarians.

Sec. 5. Section 155.3, subsection 11, Code 1985, is amended to read as follows:

11. "Medical practitioner" means a physician, dentist, podiatrist, therapeutically certified optometrist, veterinarian or any other person authorized by law to treat sick and injured humans or animals and to use prescription drugs in ~~such~~ the treatment.

Sec. 6. Section 155.22, Code 1985, is amended to read as follows:

155.22 EXCEPTIONS.

Sections 155.20 and 155.21 do not apply to sales by wholesalers of drugs and medicines to licensed physicians, dentists, podiatrists or veterinarians or to sales by wholesalers to certified licensed optometrists and therapeutically certified optometrists of those diagnostic and therapeutic pharmaceutical agents which are authorized for use by certified licensed optometrists and therapeutically certified optometrists pursuant to section 154.1.

Sec. 7. Section 155.26, unnumbered paragraph 1, Code 1985, is amended to read as follows:

~~Any~~ A person found in possession of a drug or medicine limited by law to dispensation by a prescription, unless ~~such~~ the drug or medicine was so lawfully dispensed, ~~shall be deemed is~~ guilty of a serious misdemeanor. This section ~~shall~~ does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatrist, or therapeutically certified optometrist, or to a nurse acting under the direction of a physician or the board of pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a common carrier or

messenger when transporting such a drug or medicine in the same unbroken package in which the drug or medicine was delivered to that person for transportation.

Sec. 8. Section 155.26, unnumbered paragraph 2, Code 1985, is amended to read as follows:

This section ~~shall~~ does not apply to the possession by a certified licensed optometrist or therapeutically certified optometrist of those diagnostic or therapeutic agents which are authorized for use by certified licensed optometrists or therapeutically certified optometrists pursuant to section 154.1. The dispensing by pharmacists to certified licensed optometrists or therapeutically certified optometrists of those diagnostic or therapeutic agents which are authorized for their use by certified licensed optometrists pursuant to section 154.1 shall be permitted.

Approved May 31, 1985

## CHAPTER 249

### MENTALLY RETARDED, ILL OR DEVELOPMENTALLY DISABLED — RIGHTS

*S.F. 473*

**AN ACT** relating to the rights of a person having mental retardation, a developmental disability or chronic mental illness and providing an effective date and an appropriation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Chapter 225C is amended by adding sections 2 through 5\* as a new division.

Sec. 2. **NEW SECTION. 225C.25 SHORT TITLE.**

Sections 225C.25 through 225C.28 shall be known as "the bill of rights of persons with mental retardation, developmental disabilities, or chronic mental illness".

Sec. 3. **NEW SECTION. 225C.26 SCOPE.**

These rights apply to any person with mental retardation, a developmental disability, or chronic mental illness who receives services, which are funded in whole or in part by public funds or services which are permitted under Iowa law.

Sec. 4. **NEW SECTION. 225C.27 PURPOSE.**

Sections 225C.25 through 225C.28 shall be liberally construed and applied to promote their purposes and the stated rights. The division, in coordination with appropriate agencies, shall adopt rules to implement the purpose of sections 225C.25 through 225C.28 which include, but are not limited to the following:

1. Promotion of the human dignity and protection of the constitutional and statutory rights of persons with mental retardation, developmental disabilities, or chronic mental illness in the state.

2. Encouraging the development of the ability and potential of each person with mental retardation, developmental disabilities, or chronic mental illness in the state to the fullest extent possible.

3. Ensuring that the recipients of services shall not be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Iowa or the Constitution of the United States solely on account of the receipt of the services.

\*6 probably intended