



January 24, 2014

HOUSE BILL No. 1114

DIGEST OF HB 1114 (Updated January 22, 2014 5:10 pm - DI 84)

Citations Affected: IC 25-24.

Synopsis: Legend drug prescriptions by optometrists. Allows optometrists who are certified by the optometry board to administer, dispense, and prescribe certain narcotic drugs, codeine with compounds, and hydrocodone with compounds. Repeals a law concerning drug formulary requirements. Makes conforming changes.

Effective: July 1, 2014.

Davisson, Zent, Clere, Bauer

January 9, 2014, read first time and referred to Committee on Public Health.
January 23, 2014, reported — Do Pass.

HB 1114—LS 6675/DI 77



January 24, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1114

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-24-3-6, AS ADDED BY P.L.157-2006,
2 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 6. (a) As used in this chapter, "legend drug" has
4 the meaning set forth in IC 16-18-2-199. **The term includes a narcotic
5 drug listed under IC 35-48-2-8(e), codeine with compounds, and
6 hydrocodone with compounds.**
7 (b) Subject to subsection (a), the term does not include:
8 (1) a schedule I controlled ~~substances~~ **substance** (as defined in
9 ~~IC 35-48-1-9~~; **IC 35-48-2-4**);
10 (2) a schedule II controlled substance (as defined in
11 **IC 35-48-2-6**); or
12 (3) a schedule III controlled substance listed in
13 **IC 35-48-2-8(a) through IC 35-48-2-8(d) and IC 35-48-2-8(f)**
14 **through IC 35-48-2-8(h).**
15 SECTION 2. IC 25-24-3-10, AS ADDED BY P.L.157-2006,
16 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2014]; Sec. 10. The board shall do the following:

2 (1) Adopt rules under IC 4-22-2 to do the following:

3 (A) Establish a formulary of legend drugs that may be
4 prescribed, dispensed, or administered by an optometrist.

5 (B) Set fees described in IC 25-1-8.

6 (C) Carry out this chapter.

7 (2) **Except for a drug listed in subdivision (3),** establish
8 education and training requirements in ocular pharmacology
9 required for certification to do the following:

10 (A) Administer therapeutic legend drugs.

11 (B) Dispense legend drugs.

12 (C) Prescribe legend drugs.

13 **(3) Establish education and training requirements required
14 for certification to administer, dispense, or prescribe a
15 narcotic drug listed in IC 35-48-2-8(e), codeine with
16 compounds, and hydrocodone with compounds.**

17 ~~(4)~~ Establish continuing education requirements for renewal
18 of the certificate issued under this chapter.

19 SECTION 3. IC 25-24-3-11 IS REPEALED [EFFECTIVE JULY 1,
20 2014]. Sec. 11. (a) ~~The formulary established under section 10 of this
21 chapter shall include legend drugs that:~~

22 ~~(1) may be independently prescribed by an optometrist; or~~

23 ~~(2) must be dependently prescribed by an optometrist.~~

24 ~~(b) If a legend drug is designated in the formulary as one (1) that
25 must be dependently prescribed, the formulary must designate:~~

26 ~~(1) those legend drugs for which the optometrist must only notify
27 the patient's physician that the optometrist is prescribing the
28 legend drug; and~~

29 ~~(2) those legend drugs for which the optometrist must consult
30 with the patient's physician before prescribing the legend drug.~~

31 ~~(c) If the patient has no physician, the optometrist must document
32 such in the patient's file.~~

33 ~~(d) If the legend drug is designated in the formulary as a legend drug
34 that must be dependently prescribed, the optometrist shall indicate on
35 the prescription that:~~

36 ~~(1) the patient's physician has been contacted; or~~

37 ~~(2) the patient has indicated to the optometrist that the patient has
38 no physician.~~

39 ~~(e) If the legend drug is designated in the formulary as a legend drug
40 that may be independently prescribed, the optometrist may prescribe
41 the legend drug without notifying the patient's physician.~~

42 SECTION 4. IC 25-24-3-12, AS ADDED BY P.L.157-2006,

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1 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 12. **(a)** The board shall issue ~~a~~ **an optometric**
3 **legend drug** certificate to a licensed optometrist who:

- 4 (1) applies; and
5 (2) successfully fulfills ~~all~~ the requirements of **section 10(2)** of
6 this chapter.

7 **(b) The board shall issue an optometric controlled substance**
8 **certificate to a licensed optometrist who:**

- 9 **(1) applies; and**
10 **(2) successfully fulfills the requirements of section 10(3) of this**
11 **chapter.**

12 SECTION 5. IC 25-24-3-16, AS ADDED BY P.L.157-2006,
13 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2014]: Sec. 16. (a) Optometrists may administer topical
15 diagnostic legend drugs limited to:

- 16 (1) miotics;
17 (2) mydriatics;
18 (3) anesthetics; and
19 (4) cycloplegics;

20 without holding a certificate issued under this chapter. These
21 pharmaceutical agents may be applied in diagnostic procedures only as
22 a part of an examination of the eye.

23 (b) The board may authorize an optometrist holding a certificate
24 issued under **section 12(a)** of this chapter to:

- 25 (1) administer for therapeutic use;
26 (2) dispense; or
27 (3) prescribe;

28 legend drugs that are included in the formulary established by the
29 board under section 10 of this chapter, in the treatment of any condition
30 of the eye or the associated structures of the eye.

31 **(c) The board may authorize an optometrist holding a certificate**
32 **issued under section 12(b) of this chapter to:**

- 33 **(1) administer for therapeutic use;**
34 **(2) dispense; or**
35 **(3) prescribe;**

36 **codeine with compounds, hydrocodone with compounds, and**
37 **narcotic drugs listed under IC 35-48-2-8(e) that are included in the**
38 **formulary established by the board under section 10 of this**
39 **chapter, in the treatment of any condition of the eye or the**
40 **associated structures of the eye.**

41 SECTION 6. IC 25-24-3-17, AS ADDED BY P.L.157-2006,
42 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2014]; Sec. 17. (a) An optometrist may not:
2 (1) administer, dispense, or prescribe therapeutic legend drugs; or
3 (2) dispense or prescribe diagnostic legend drugs, **narcotic drugs**
4 **listed under IC 35-48-2-8(e), codeine with compounds, or**
5 **hydrocodone with compounds;**
6 unless the optometrist is certified under this chapter.
7 **(b) An optometrist may not prescribe or dispense for a patient**
8 **more than a five (5) day supply of:**
9 **(1) a narcotic drug listed under IC 35-48-2-8(e);**
10 **(2) codeine with compounds; or**
11 **(3) hydrocodone with compounds.**
12 ~~(b)~~ (c) An optometrist may administer diagnostic legend drugs
13 without obtaining a certificate under this chapter.
14 ~~(c)~~ (d) An individual who recklessly, knowingly, or intentionally
15 violates this chapter commits a Class A misdemeanor.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1114 as introduced.)

Committee Vote: Yeas 11, Nays 0

Representative Clere

