



## 2009 SENATE BILL 402

November 18, 2009 - Introduced by Senators VINEHOUT, COWLES, DARLING, ELLIS, JAUCH, LEHMAN, SCHULTZ, TAYLOR and DECKER, cosponsored by Representatives SEIDEL, ZIGMUNT, BALLWEG, BENEDICT, BERCEAU, BIES, BROOKS, GARTHWAITE, HEBL, HINTZ, HIXSON, HUBLER, KAUFERT, KERKMAN, KESTELL, KNODL, MOLEPSKE JR., MONTGOMERY, NASS, A. OTT, PASCH, PETROWSKI, PRIDEMORE, SHILLING, SUDER, TOWNSEND, TURNER, VRUWINK and VUKMIR. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1     **AN ACT** *to renumber and amend* 449.18 (6) (am) 2.; *to amend* 449.01 (1) (a) 2.  
2             c. and 961.39 (intro.), (1), (2) and (4); and *to create* 449.18 (6) (am) 2. b. of the  
3             statutes; **relating to:** authorizing certain optometrists to dispense contact  
4             lenses that deliver a therapeutic pharmaceutical agent.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person licensed to practice the profession of optometry by the Optometry Examining Board (board) in the Department of Regulation and Licensing may, among other practices, prescribe contact lenses. If the person was first licensed on or after August 1, 2006, or holds a certificate issued by the board, the person may also prescribe or administer drugs for ocular therapeutic purposes. However, the person may not dispense drugs.

This bill permits a person licensed to practice the profession of optometry who is authorized to prescribe or administer a therapeutic pharmaceutical agent to dispense contact lenses that deliver the therapeutic pharmaceutical agent.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5             **SECTION 1.** 449.01 (1) (a) 2. c. of the statutes is amended to read:

**SENATE BILL 402****SECTION 1**

1           449.01 (1) (a) 2. c. Prescribing or administering drugs for ocular therapeutic  
2 purposes, dispensing contact lenses that deliver a therapeutic pharmaceutical agent  
3 under s. 449.18 (6) (am) 2. b., or removing superficial foreign bodies from the eye or  
4 an appendage to the eye under s. 449.18.

5           **SECTION 2.** 449.18 (6) (am) 2. of the statutes is renumbered 449.18 (6) (am) 2.  
6 (intro.) and amended to read:

7           449.18 (6) (am) 2. (intro.) Dispense, as defined in s. 450.01 (7), other than by  
8 prescribing or administering. This subdivision does not prohibit the optometrist  
9 from providing doing any of the following:

10           a. Providing a complimentary sample of a therapeutic pharmaceutical agent  
11 to a patient to whom the optometrist has rendered therapeutic care.

12           **SECTION 3.** 449.18 (6) (am) 2. b. of the statutes is created to read:

13           449.18 (6) (am) 2. b. Dispensing a contact lens that also delivers a therapeutic  
14 pharmaceutical agent, if the optometrist is authorized to prescribe or administer the  
15 therapeutic pharmaceutical agent under the rules promulgated under par. (cm).

16           **SECTION 4.** 961.39 (intro.), (1), (2) and (4) of the statutes are amended to read:

17           **961.39 Limitations on optometrists.** (intro.) An optometrist who is allowed  
18 under s. 449.18 (1) to use therapeutic pharmaceutical agents and under s. 449.18 (6)  
19 (am) 2. b. to dispense a contact lens that delivers a therapeutic pharmaceutical  
20 agent:

21           (1) May not prescribe, dispense, or administer a controlled substance included  
22 in schedule I or II.

23           (2) May prescribe, dispense, or administer only those controlled substances  
24 included in schedules III, IV, and V that are permitted for prescription or  
25 administration under the rules promulgated under s. 449.18 (6) (cm).

