

ASSEMBLY BILL 591 (LRB -3569)

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

2009

- 11-20. A. Introduced 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, Vukmir and Vos**; cosponsored by Senators **Vinehout, Cowles, Darling, Ellis, Jauch, Lehman, Schultz, Taylor and Decker**.
- 11-20. A. Read first time and referred to committee on Health and Healthcare Reform 527
- 11-24. A. Senator Holperin added as a cosponsor 531
- 11-24. A. Representative Hilgenberg added as a coauthor 531
- 12-02. A. Public hearing held.
- 12-17. A. Executive action taken.
- 12-17. A. Assembly amendment 1 offered by committee on Health and Healthcare Reform (**LRB a1194**) 557

2010

- 01-12. A. Report Assembly Amendment 1 adoption recommended by committee on Health and Healthcare Reform. Ayes 13, Noes 0 568
- 01-12. A. Report passage as amended recommended by committee on Health and Healthcare Reform, Ayes 13, Noes 0 568
- 01-12. A. Referred to committee on Rules 568
- 01-13. A. Placed on calendar 1-19-2010 by committee on Rules.
- 01-19. A. Read a second time 582
- 01-19. A. **Assembly amendment 1 adopted** 582
- 01-19. A. Ordered to a third reading 582
- 01-19. A. Rules suspended 582
- 01-19. A. Read a third time and **passed** 582
- 01-19. A. Ordered immediately messaged 582
- 01-19. S. Received from Assembly 491
- 01-21. S. Representative Barca added as a coauthor 495
- 01-22. S. Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue 502
- 01-27. S. Executive action taken.
- 01-27. S. Report concurrence recommended by committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, Ayes 7, Noes 0 518
- 01-27. S. Available for scheduling.
- 02-10. S. Placed on calendar 2-16-2010 pursuant to Senate Rule 18(1) 553
- 02-16. S. Read a second time.
- 02-16. S. Ordered to a third reading.
- 02-16. S. Rules suspended.
- 02-16. S. Read a third time and **concurred in**.
- 02-16. S. Ordered immediately messaged.
- 02-16. A. Received from Senate concurred in.

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

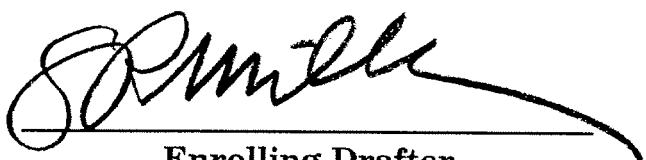
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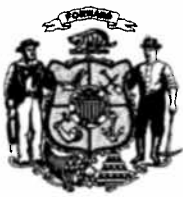
09-3569/1

Amendments to above (if none, write "NONE"): AA1 - a 1194/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-16-09 
Date Enrolling Drafter



2009 ASSEMBLY BILL 591

November 20, 2009 – Introduced 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, VUKMIR and VOS, cosponsored by Senators VINEHOUT, COWLES, DARLING, ELLIS, JAUCH, LEHMAN, SCHULTZ, TAYLOR and DECKER. Referred to Committee on Health and Healthcare Reform.

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.

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.

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:

ASSEMBLY BILL 591**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.

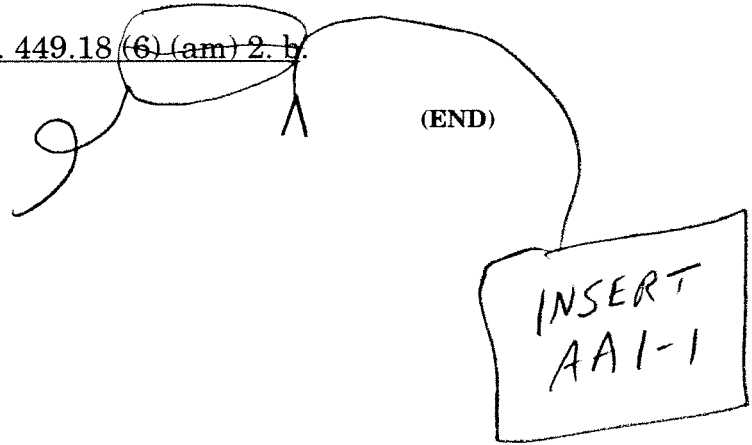
23 (2) May prescribe, dispense, or administer only those controlled substances
24 included in schedules III, IV, and V that are permitted for prescription or
25 administration under the rules promulgated under s. 449.18 (6) (cm).

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1 (4) May not dispense other than by ~~prescribing or administering~~ as provided

2 under s. 449.18 (6) (am) 2. b.

3 (E





State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 591**

December 17, 2009 - Offered by COMMITTEE ON HEALTH AND HEALTHCARE REFORM.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 2: delete "(6) (am) 2. b" and substitute "(6) (am) 2".

3 (END)

AA1-1