

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3569/P1dn  
TKK:jld:jf

October 9, 2009

Rep. Seidel:

This bill authorizes a person who is licensed to practice the profession of optometry and is authorized to prescribe or administer drugs for ocular therapeutic purposes to dispense contact lenses that deliver a drug for ocular therapeutic purposes.

As I discussed, briefly, with Peter Theo of the Wisconsin Optometric Association, this bill uses a specific term, "drugs for ocular therapeutic purposes," to describe the substances that may be included on contact lenses dispensed by an optometrist under the bill. This term occurs in the current statutes in the provision governing the scope of practice of optometry, s. 449.01 (1) (a) 2. c., stats. In addition, this term is, in my opinion, the most accurate term to use given the definitions for administer (s. 450.01 (1), stats.), dispense (s. 450.01 (7), stats.), drug (s. 450.01 (10), stats.), and prescription (s. 450.01 (19), stats.).

However, this term is not used consistently in chapter 449; two additional terms, "topical ocular diagnostic pharmaceutical agents" and "therapeutic pharmaceutical agents" are also used (see, for example ss. 449.01 (1) (a) 1., 449.17, and 449.18, stats.). Although it is implied by the use of the word "pharmaceutical" in both terms that these substances are drugs, the statutes do not define either "topical ocular diagnostic pharmaceutical agents" or "therapeutic pharmaceutical agents."

To avoid confusion, I recommend that whatever term is preferred for drugs prescribed, administered, and now dispensed by optometrists be used consistently in chapter 449. If more than one term is to be used, each term should have a corresponding definition. So, if the terms selected are "topical ocular diagnostic pharmaceutical agents" and "therapeutic pharmaceutical agent," I recommend that definitions be provided for these terms, even if the definitions simply clarify that these "pharmaceutical agents" are in fact within a subset of "drug" as that term is defined in s. 450.01 (10), stats. Further, I recommend that the definition for drug found in chapter 450 be referenced in this chapter governing optometrists.

Please let me know if you have any questions or wish to make any changes to the bill or to the terms used in current law.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)