

# PENNSYLVANIA OPTOMETRIC ASSOCIATION

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October 2, 2003

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INDUSTRY REVIEW COMMISSION  
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Ms. Deborah Smith, Board Administrator  
State Board of Optometry  
P.O. Box 2649  
Harrisburg, PA 17105

Original: 2354

RE: Comments of the Pennsylvania Optometric Association regarding 49 PA. Code  
Ch. 23, Continuing Education, Fees and Certification to Treat Glaucoma.

Dear Ms. Smith:

The Pennsylvania Optometric Association (POA) fully supports the State Board of Optometry's proposed rulemaking to amend §23.82, 23.86 and 23.91 relating to continuing education hour requirements, sources of continuing education hours and fees. The POA also supports §23.205, relating to the application procedure.

The POA requests that the final-form regulation and comment and response documents be forwarded to us, and that we continue to be kept apprised of all future correspondence relating to this matter.

Thank you for your continued support.

Sincerely,  
PENNSYLVANIA OPTOMETRIC ASSOCIATION

*Greg L. Bittner, O.D.*

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President

GLB/alz

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September 22, 2003

Ms. Deborah Smith  
Board Administrator  
State Board of Optometry  
P.O. Box 2649  
Harrisburg, PA. 17105-2649

**RE: Proposed Regulation #16A-5211, State Board of Optometry (continuing education, fees and certification to treat glaucoma)**

Dear Ms. Smith:

Original: 2354

I write to you today in regard to the above proposed regulations.

As you know, Act 225 of 2002 amended the Act of June 6, 1980 (P.L. 197, No.57), known as the "Optometric Practice and Licensure Act" (as amended), to provide for the requirements concerning pharmaceutical agents for the treatment of glaucoma. The Act set up various requirements for treatment of certain types of glaucoma, established continuing education requirements and a minimum requirement for professional liability insurance coverage.

In fact, Section 4.2(b) of the amended act requires the following:

Therapeutically certified optometrists who prescribe and administer pharmaceutical agents for the treatment of glaucoma permitted under this act shall obtain and maintain professional liability insurance in accordance with section 3(a)(2.5), except that the amount of professional liability insurance maintained shall be a minimum of \$1,000,000 per occurrence and \$3,000,000 per annual aggregate.

Upon review of the proposed rulemaking from the State Board of Optometry, published in the Pennsylvania Bulletin on September 6, 2003 (Vol. 33, No. 36, p. 4464), the new liability insurance requirement for therapeutically certified optometrists was not included. And, such an omission is of paramount concern to the members of the Pennsylvania Academy of Ophthalmology.

Tens of thousands of physicians throughout the Commonwealth comply with mandatory liability insurance requirements and they do so in accordance with regulations and procedures established by the State Board of Medicine.

By this correspondence, the Pennsylvania Academy of Ophthalmology requests that the Board revisit its proposed regulations to ensure that the new regulations are consistent with both the letter and spirit of Act 225 of 2002.

The Board should amend its regulations to establish a more formal process for optometrists to show satisfactory proof of required liability insurance that is at least as stringent as that which is outlined by the State Board of Medicine for its physicians. Moreover, such proof of

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DOS LEGAL COUNSEL  
Health Licensing Board

liability insurance should precede a grant of authority by the Board to allow optometrists to administer any pharmaceutical agents for the treatment of glaucoma.

Thank you for your immediate attention to this request. If you have any questions about this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Azar". The signature is fluid and cursive, with a large, stylized initial "M" and a long, sweeping underline.

Michael J. Azar, M.D.  
President  
Pennsylvania Academy of Ophthalmology

Cc: Robert Nyce, Executive Director, Independent Regulatory Review Commission  
Thomas Gannon, Majority Chair, House Professional Licensure Committee  
William Rieger, Minority Chair, House Professional Licensure Committee  
Robert Tomlinson, Majority Chair, Senate Consumer Protection and Professional Licensure Committee  
Lisa Boscola, Minority Chair, Senate Consumer Protection and Professional Licensure Committee