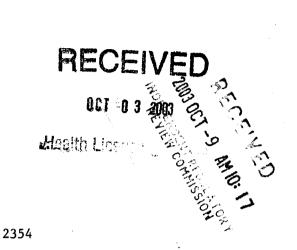
PENNSYLVANIA OPTOMETRIC ASSOCIATION

218 NORTH STREET PO Box 3312 HARRISBURG, PA 17105 PHONE (717) 233-6455 FAX (717) 233-6833 E-MAIL MAIL@POAEYES.ORG WEB SITE WWW.POAEYES.ORG AFFILIATED WITH THE AMERICAN OPTOMETRIC ASSOCIATION

October 2, 2003



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

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

Suy Y Bitter, O.D.

Greg L. Bittner, O.D. President

GLB/alz

Gregory L. Bittner, O.D. Provident Daniel W. Doberneck, O.D., F.A.A.O. Traster Carl J. Urbanski, O.D. President-Elect Mark B. Bous, O.D., M.S. Trustee Marla L. Moon, o.D. F.A.A.O. Immediate Past Presideat Barbara M. Yanak, O.D. Trustee Anthony S. Diecidue, O.D. M.S. Scenar Transoc Paul J. Lobby, O.D. Trastee

Charles J. Stuckey, Jr., O.D., M.P.A., F.A.A.O., Executive Director

	Pennsylvania Academy of Ophthalmology			
PRO the Eye MDs	September 22, 2003	2003 OCT -6 AM 9: 08 RECEIVED 3: RECEIVED		
John C. Maher, MD President-Elect		SEP 2 6 2003	SEP 2 6 2003	
Michael J. Azar, MD Immediate Past President F. Jane Barton, MD	Ms. Deborah Smith Board Administrator State Board of Optometry	Health Licensing Board	DOS LEGAL COUNSEL	
Secretary/Treasurer	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

Address

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777 East Park Drive P.O. Box 8820 Harrisburg, PA 17105-8820 (717) 558-7750 (888) 633-5784 Fax (717) 558-7841 www.paeyemds.org 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,

Muchael C

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