

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 527  
Committee Substitute Favorable 4/9/97

Short Title: Optometry Changes.

(Public)

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Sponsors:

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Referred to:

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March 18, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST  
2 CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES  
3 LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO  
4 COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF  
5 CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR  
6 OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 90-114 reads as rewritten:

10 **"§ 90-114. Optometry defined.**

11 Any one or any combination of the following practices shall constitute the practice of  
12 optometry:

- 13 (1) The examination of the human eye by any method, other than surgery,  
14 to diagnose, to treat, or to refer for consultation or treatment any  
15 abnormal condition of the human eye and its adnexa; or
- 16 (2) The employment of instruments, devices, pharmaceutical agents and  
17 procedures, other than surgery, intended for the purposes of  
18 investigating, examining, treating, diagnosing or correcting visual  
19 defects or abnormal conditions of the human eye or its adnexa; or



1 purpose of conducting peer review activities. Peer review activities to be covered by  
2 such agreements shall be limited in peer review proceedings to review of clinical  
3 outcomes as they relate to the quality of health care delivered by optometrists licensed by  
4 the Board.

5 (b) Peer review agreements shall include provisions for the Society to receive  
6 relevant information from the Board and other sources, provide assurance of  
7 confidentiality of nonpublic information and of the review process, and make reports to  
8 the Board. Peer review agreements shall include provisions assuring due process.

9 (c) Any confidential patient information and other nonpublic information  
10 acquired, created, or used in good faith by the Society pursuant to this section shall  
11 remain confidential and shall not be subject to discovery or subpoena in a civil case.

12 (d) Peer review activities conducted in good faith pursuant to any agreement under  
13 this section are deemed to be State directed and sanctioned and shall constitute State  
14 action for the purposes of application of antitrust laws. The Board shall be responsible  
15 for legal fees arising from peer review activities."

16 Section 4. Article 7 of Chapter 8 of the General Statutes is amended by adding  
17 the following new section to read:

18 **"§ 8-53.9. Optometrist/patient privilege.**

19 No person licensed pursuant to Article 6 of Chapter 90 of the General Statutes shall  
20 be required to disclose any information that may have been acquired in rendering  
21 professional optometric services, except that the presiding judge of a superior or district  
22 court may compel this disclosure, if, in the court's opinion, disclosure is necessary to a  
23 proper administration of justice and disclosure is not prohibited by other statute or rule."

24 Section 4.1. G.S. 90-118(e) reads as rewritten:

25 "(e) The Board shall not license any person to practice optometry in the State of  
26 North Carolina beyond the scope of the person's educational training as determined by  
27 the Board. No optometrist presently licensed in this State shall prescribe and use  
28 pharmaceutical agents in the practice of optometry unless and until he (i) has submitted to  
29 the Board evidence of satisfactory completion of all educational requirements established  
30 by the Board to prescribe and use pharmaceutical agents in the practice of optometry and  
31 (ii) has been certified by the Board as educationally qualified to prescribe and use  
32 pharmaceutical agents.

33 Provided, however, that no course or courses in pharmacology shall be approved by  
34 the Board unless (i) taught by an institution having facilities for both the didactic and  
35 clinical instruction in pharmacology and which is accredited by a regional or professional  
36 accrediting organization that is recognized and approved by the Council on  
37 Postsecondary Accreditation or the United States Office of Education and (ii) transcript  
38 credit for the course or courses is certified to the Board by the institution as being  
39 equivalent in both hours and content to those courses in pharmacology required by the  
40 other licensing boards in this Chapter whose licensees or registrants are permitted the use  
41 of pharmaceutical agents in the course of their professional practice."

42 Section 5. This act is effective when it becomes law.