

sections 475.60 to 475.753; an election shall not be necessary to the validity of such bonds.

Approved March 8, 1982

CHAPTER 388 — S.F.No. 709

An act relating to optometrists; authorizing the use of certain topical ocular drugs; providing for education, training and testing requirements; requiring an emergency treatment plan; requiring advice to patients to seek evaluation by physician under certain conditions; providing a penalty; amending Minnesota Statutes 1980, Section 148.57, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 148.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [148.571] USE OF TOPICAL OCULAR DRUGS.

Subdivision 1. AUTHORITY. Subject to the provisions of sections 1 to 5, a licensed optometrist may administer topical ocular drugs to the anterior segment of the human eye during an eye examination in the course of his or her practice in his or her normal practice setting, solely for the purposes of determining the refractive, muscular, or functional origin of sources of visual discomfort or difficulty, and detecting abnormalities which may be evidence of disease.

Subd. 2. DRUGS SPECIFIED. For purposes of sections 1 to 5, "topical ocular drugs" means:

(1) commercially prepared topical anesthetics as follows: proparacaine HCl 0.5 percent, tetracaine HCl 0.5 percent, and benoxinate HCl 0.4 percent;

(2) commercially prepared mydriatics as follows: phenylephrine HCl in strength not greater than 2.5 percent and hydroxyamphetamine HBr in strength not greater than 1 percent; and

(3) commercially prepared cycloplegics/mydriatics as follows: tropicamide in strength not greater than 1 percent and cyclopentolate in strength not greater than 1 percent.

Sec. 2. [148.572] **ADVICE TO SEEK DIAGNOSIS AND TREATMENT.**

Whether or not topical ocular drugs have been used, if any licensed optometrist is informed by a patient or determines from examining a patient, using judgment and that degree of skill, care, knowledge and attention ordinarily possessed and exercised by optometrists in good standing under like circumstanc-

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

es, that there are present in that patient signs or symptoms which may be evidence of disease, then the licensed optometrist shall (1) promptly advise that patient to seek evaluation by an appropriate licensed physician for diagnosis and possible treatment and (2) not attempt to treat such condition by the use of drugs or any other means.

Sec. 3. [148.573] PREREQUISITES TO DRUG USE.

Subdivision 1. CERTIFICATE REQUIRED. A licensed optometrist shall not purchase, possess or administer any topical ocular drugs unless, after the effective date of this section, the optometrist has obtained a certificate from the board of optometry certifying that the optometrist has complied with the following requirements:

(a) Successful completion of 60 classroom hours of study in general and clinical pharmacology as it relates to the practice of optometry, with particular emphasis on the use of topical ocular drugs for examination purposes. At least 30 of the 60 classroom hours shall be in ocular pharmacology and shall emphasize the systemic effects of and reactions to topical ocular drugs, including the emergency management and referral of any adverse reactions that may occur. The course of study shall be approved by the board of optometry, and shall be offered by an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council on Post-secondary Education or the United States Department of Education or their successors. The course shall be completed prior to entering the examination required by this section;

(b) Successful completion of an examination approved by the board of optometry on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular drugs, including emergency management and referral of any adverse reactions that may occur;

(c) Successful completion, after the effective date of this section, of a course in cardiopulmonary resuscitation offered or approved by the Red Cross, American Heart Association, an accredited hospital, or a comparable organization or institution; and

(d) Establishment, after the effective date of this section, of an emergency plan for the management and referral to appropriate medical services of patients who may experience adverse drug reactions resulting from the application of topical ocular drugs. The plan must be approved by the board of optometry and shall, at least, require the optometrist to:

(1) Refer patients who notify the optometrist of an adverse drug reaction to appropriate medical specialists or facilities;

(2) Routinely advise the patient to immediately contact the optometrist if the patient experiences an adverse reaction;

Changes or additions are indicated by underline, deletions by strikeout.

(3) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient, and the date and time that any referral was made; and

(4) Include in the plan the names of at least three physicians, physician clinics, or hospitals to whom the optometrist will refer patients who experience an adverse drug reaction. At least one of these physicians shall be skilled in the diagnosis and treatment of diseases of the eye.

Subd. 2. EXCEPTION. The course and examination required by clauses (a) and (b) of subdivision 1 shall be completed after the effective date of this section except that the board of optometry may certify applicants who have graduated from an accredited school of optometry within two years prior to the effective date of sections 1 to 5 if the school's curriculum includes a course and examination meeting the requirements of clauses (a) and (b) of subdivision 1.

Subd. 3. CONSULTATION REQUIRED. Approvals of the course, examination and emergency plan required by clauses (a), (b) and (d) of subdivision 1 shall be given by the board of optometry only after consultation with the board of medical examiners and board of pharmacy, provided that the recommendations of the board of medical examiners and board of pharmacy are made within 120 days after they are requested by the board of optometry.

Sec. 4. [148.574] PROHIBITIONS RELATING TO LEGEND DRUGS; AUTHORIZING SALES BY PHARMACISTS UNDER CERTAIN CONDITIONS.

An optometrist shall not purchase, possess, administer, prescribe or give any legend drug as defined in section 151.01 to any person except as is expressly authorized by sections 1 to 3. Nothing in chapter 151 shall prevent a pharmacist from selling topical ocular drugs to an optometrist authorized to use such drugs pursuant to sections 1 to 3.

Sec. 5. Minnesota Statutes 1980, Section 148.57, Subdivision 3, is amended to read:

Subd. 3. REVOCATION, SUSPENSION. The board may revoke the license or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 1 to 4 or who is found by the board to be incompetent or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, free examination advertising, the loaning of his license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Approved March 8, 1982

CHAPTER 389 — H.F.No. 1724

An act relating to Independent School District No. 507, Nicollet; authorizing a transfer of funds collected by referendum levy to reduce statutory operating debt.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. FUND TRANSFER AUTHORIZATION; SCHOOL DISTRICT NO. 507.

Notwithstanding any law to the contrary, Independent School District No. 507 is authorized to permanently transfer an amount not to exceed \$362,000 from the general fund account known as "unappropriated fund balance from July 1, 1977" to the general fund account known as the "appropriated fund balance reserve account for purposes of reducing statutory operating debt." The amount permanently transferred shall not exceed the total amount levied by the district since 1975 pursuant to Minnesota Statutes, Section 275.125, Subdivision 2a, Clause (4), and its successor provision, Minnesota Statutes, Section 275.125, Subdivision 2d.

Sec. 2. LEVY TO ELIMINATE STATUTORY OPERATING DEBT.

When the sum of the amount transferred pursuant to section 1 and the cumulative total of levies made by Independent School District No. 507 pursuant to Minnesota Statutes, Section 275.125, Subdivision 9a equals an amount equal to the statutory operating debt of the district, the levy to eliminate statutory operating debt shall be discontinued.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved March 8, 1982

CHAPTER 390 — H.F.No. 1574

An act relating to Independent School District No. 084, Sleepy Eye; requiring revision of its certified statutory operating debt.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.