

ENROLLED HOUSE
BILL NO. 2321

By: Wilson, Davis, Boren,
Brannon, Morgan (Danny),
Turner and Walker of the
House

and

Corn and Leftwich (Debbe)
of the Senate

An Act relating to the Oklahoma Pharmacy Act;
amending 59 O.S. 2001, Section 353.13A, which relates
to prescription labels and practice of pharmacy;
adding certain requirements; amending 59 O.S. 2001,
Section 581, which relates to practice of optometry;
modifying definition of practice of optometry; and
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.13A, is
amended to read as follows:

Section 353.13A A. Prescriptions received by other than
written communication shall be promptly recorded in writing by the
pharmacist. The record made by the pharmacist shall constitute the
original prescription to be filled by the pharmacist.

B. 1. Pharmacists may dispense prescriptions for dangerous
drugs and controlled dangerous substances specified in Section ~~4~~ 581
of this ~~act~~ title for ocular abnormalities prescribed by qualified
optometrists certified by the Board of Examiners in Optometry to use
such dangerous drugs and controlled dangerous substances.

2. All prescriptions issued by certified optometrists shall
include the certification number of the optometrist as assigned by
the Board of Examiners in Optometry. The Board of Examiners in
Optometry shall provide an annual list of all certified optometrists
directly to each pharmacy licensed by the Oklahoma State Board of
Pharmacy. Any additions or deletions in certification shall be
mailed to all pharmacies in this state within thirty (30) days of
such change.

C. A filled prescription label shall include the name and
address of the pharmacy of origin, date of filling, name of patient,
name of prescriber, directions for administration, and prescription
number. The symptom or purpose for which the drug is being
prescribed shall appear on the label, if, after being advised by the
practitioner, the patient or the patient's authorized representative
so requests. If the symptom or purpose for which a drug is being
prescribed is not provided by the practitioner, the pharmacist may

fill the prescription order without contacting the practitioner, patient, or the patient's representative. The label shall also include the trade or generic name, and the quantity and strength of the drug therein contained, except when otherwise directed by the prescriber. This requirement shall not apply to compounded prescriptions or medicines and drugs supplied or delivered directly to patients for consumption on the premises while admitted to any hospital or mental institution.

D. No prescription shall be written in any characters, figures or ciphers other than in the English or Latin language, generally in use among medical and pharmaceutical practitioners.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 581, is amended to read as follows:

Section 581. A. The practice of optometry is defined to be the science and art of examining the human eye and measurement of the powers of vision by the employment of any means, including the use or furnishing of any self-testing device, the use of any computerized or automatic refracting device, the use of pharmaceutical agents, the diagnosis of conditions of the human eye, and the correcting and relief of ocular abnormalities by means including but not limited to prescribing and adaptation of lenses, contact lenses, spectacles, eyeglasses, prisms and the employment of vision therapy or orthoptics for the aid thereof, low vision rehabilitation, laser surgery procedures, excluding retina, laser in-situ keratomileusis (LASIK), and cosmetic lid surgery. The practice of optometry is further defined to be nonlaser surgery procedures as authorized by the Oklahoma Board of Examiners in Optometry, pursuant to rules promulgated under the Administrative Procedures Act.

B. The practice of optometry shall also include the prescribing of dangerous drugs and controlled dangerous substances for all schedules specified in the Uniform Controlled Dangerous Substances Act except Schedules I and II for the purpose of diagnosis and treatment of ocular abnormalities. The practice of optometry shall not include the dispensing of drugs but may include the dispensing of professional samples to patients.

C. Optometrists shall be certified by the Board of Examiners in Optometry prior to administering drugs, prescribing drugs, or performing laser or nonlaser surgery procedures.

D. Nothing in this title shall be construed as allowing any agency, board, or other entity of this state other than the Board of Examiners ~~of~~ in Optometry to determine what constitutes the practice of optometry.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 21st day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 21st day of April, 2004.

Presiding Officer of the Senate