

# OVERVIEW OF CALIFORNIA DPA/TPA LAWS

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# CALIFORNIA OPTOMETRY DRUG PRIVILEGES

- DPA Privileges
- TPA Privileges
- TPA Glaucoma Privileges
- TPA Lacrimal Dilation & Irrigation Privileges
- Legal Responsibilities

# DPA PRIVILEGES

- **Qualifications**

- Graduation from optometry school
- Pass state board examinations

- **Medications**

- Mydriatics
- Cycloplegics
- Anesthetics
- Cycloplegics
- Agents for the reversal of mydriasis

# TPA PRIVILEGES: QUALIFICATIONS

- Graduation from optometry school after January 1996
  - 65 hours of clinical training in dx and tx of ocular and systemic disease
  - 10 hours experience with ophthalmologist
- Pass NBEO examination or equivalent

# TPA CONDITIONS

- Allergies of anterior segment or adnexa
- Infection of anterior segment or adnexa
  - Lacrimal gland, lacrimal drainage, and sclera excluded
  - Cannot treat AIDS-related ocular infection
- Ocular inflammation
  - Patients over age 18 only
  - Non-surgical in cause, resulting from traumatic iritis, peripheral corneal inflammatory keratitis, episcleritis, or unilateral non-recurrent non-granulomatous idiopathic iritis

# TPA CONDITIONS (CONT.)

- Traumatic or recurrent conjunctival or corneal abrasions and erosions.
- Corneal surface disease and dry eyes
- Ocular pain
  - not related to surgery,
  - associated with conditions optometrists are authorized to treat
- Primary open angle glaucoma
  - Patients over age of 18 only
  - O.D. must be certified for tx of POAG

# TPA PRIVILEGES: MEDICATIONS

- DPA medications
- Topical miotics for diagnostic purposes
- Topical lubricants
- Topical antiallergy agents
- Topical antiinflammatories

# TPA PRIVILEGES: MEDICATIONS (CONT.)

- Topical antibiotics
- Topical hyperosmotics
- Non-prescription medications
- Oral antihistamines
- Oral NSAID's
  - Limited to 3 days use
  - Refer if condition not resolved 3 days after dx
- Oral analgesics that are not controlled substances

# TPA PRIVILEGES: MEDICATIONS (CONT.)

- **Topical antivirals and oral acyclovir**
  - for tx of keratitis, conjunctivitis, or periocular dermatitis caused by herpes simplex or varicella zoster
  - Topical antivirals limited to 10 days
  - Oral acylcovir limited to 3 weeks
- **Codeine with acetaminophen or aspirin, and Hydrocodone with acetaminophen or ibuprofen**
  - Limited to 3 days tx
  - Refer to OMD if pain persists
- **Oral antibiotics (12 specified)**

# TPA PRIVILEGES: GLAUCOMA MEDICATIONS

- **Qualifications**

- TPA privileges
- Special glaucoma certification
  - Collaborative tx of 50 pts over 2 years

- **Medications**

- Topical antiglaucoma medications only
- No more than 2 meds concurrently
  - Combination med with two mechanisms of action (e.g. Cosopt) count as two meds

# TPA PRIVILEGES: GLAUCOMA MEDICATIONS

- Tx of POAG in pts over age 18 only
- Must refer to OMD if
  - Pt requests
  - Tx goals not met
  - Closed angle or secondary glaucoma develops
- Must consult with diabetic patient's physician when treating for glaucoma
  - Must notify physician of any changes in glaucoma medications

# TPA PROCEDURES

- Mechanical epilation
- Ordering smears, cultures, sensitivities, complete blood count, mycobacterial culture, acid fast stain, and urinalysis
- Punctal occlusion using plugs
- Therapeutic contact lenses

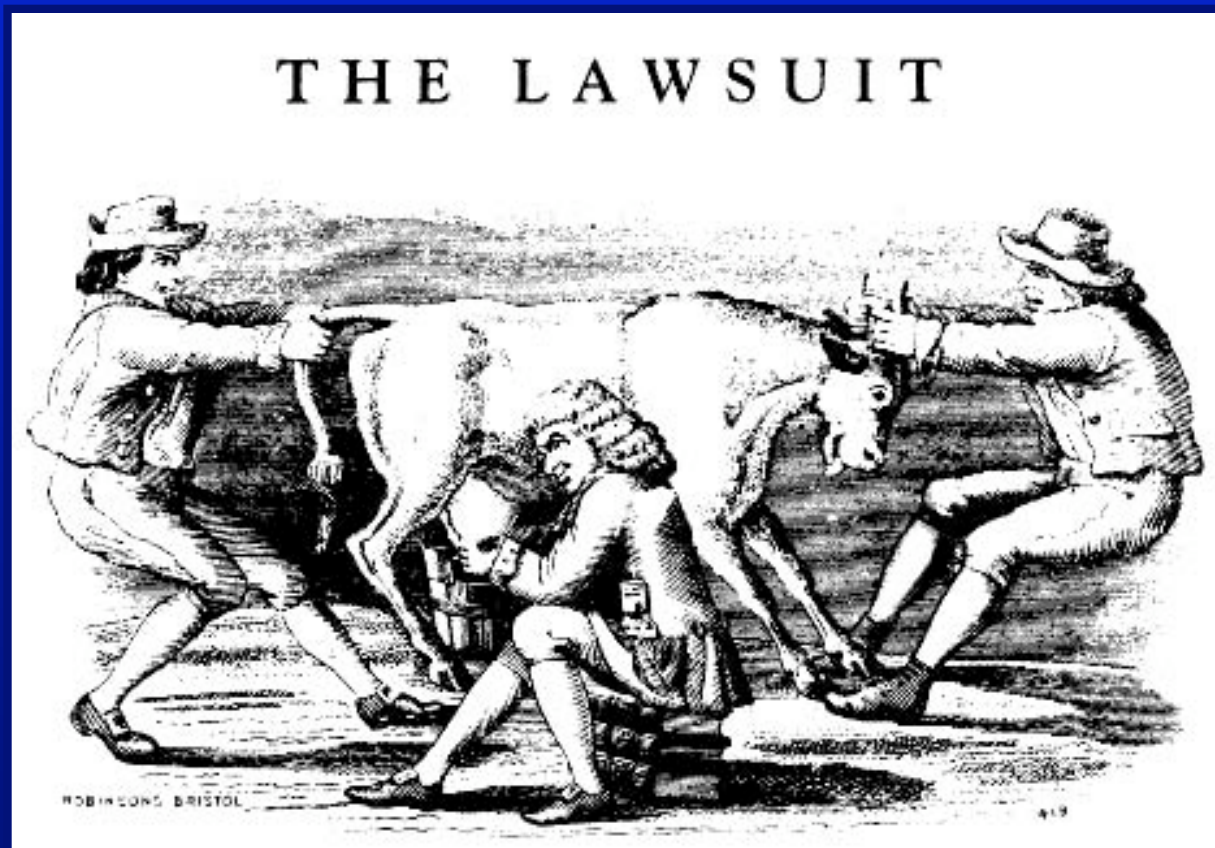
# TPA PROCEDURES (CONT.)

- Removal of foreign bodies from cornea, eyelid, and conjunctiva
  - Corneal foreign bodies must non-perforating, no deeper than anterior stroma, and require no surgical repair upon removal
  - Use of sharp instruments prohibited within central 3mm of cornea

# TPA PROCEDURES (CONT.)

- **Lacrimal irrigation and dilation**
  - Patients over 12 years of age
  - Requires additional certification
    - 10 procedures supervised and confirmed by OMD
- **Injections not permitted, other than use of auto-injector to counter anaphylaxis**

# LEGAL RESPONSIBILITIES



# TORT VS. CRIME

- Tort

- “Private or civil wrong or injury”

- Crime

- “Act committed or omitted in violation of a law, which the government has determined is injurious to the public”

# TORT VS. CRIME: EXAMPLE

- Unlicensed treatment of glaucoma
  - Tort
    - Patient sues doctor for injuries and damages
  - Crime
    - State board files criminal charges against doctor for violation of B&P Code

# LEGAL RESPONSIBILITIES

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- Negligence
- Product liability
- Informed consent

# NEGLIGENCE

- **Lay definition: Malpractice**
  - “Professional misconduct or improper practice”
- **Legal definition: Negligence**
  - “Failure to use that degree of care that a reasonable and prudent person would use under the same or similar circumstances”
- **Why is it important in optometric practice?**

# INFORMED CONSENT

- Definition

- “An individual’s agreement to allow something to happen, such as a medical procedure, that is based on full disclosure of the facts necessary to make an intelligent decision”

- Why is informed consent important in optometric practice?

# PRODUCT LIABILITY

- Definition

- “Legal liability incurred by a manufacturer, merchant, or distributor because of injury or damage resulting from the use of their product”

- How does product liability apply to DPA/TPA privileges?

# SUMMARY AND CONCLUSIONS

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# THE END!

