



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: Department of Health- Board of Optometry

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

**Other (specify)** (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** WAC 246-851-580 Drug list and WAC 246-851-590 Guidelines for the use of oral Schedule III through V controlled substances and legend drugs. The adopted rules implement Substitute Senate Bill (SSB) 5293 (Chapter 113, Laws of 2015), which authorizes optometrists to use, prescribe, dispense, purchase, or possess Schedule II controlled substances that are hydrocodone combination products.

**Citation of existing rules affected by this order:**

Repealed: None  
Amended: WAC 246-851-580, WAC 246-851-590  
Suspended: None

**Statutory authority for adoption:** RCW 18.54.070(2)

**Other authority :** RCW 18.53.010

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-10-123 on 05/04/2016 (date).  
Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone  
Address: fax  
e-mail

**Date adopted:** 06/13/2016

**NAME (TYPE OR PRINT)**  
Dale Heaston

**SIGNATURE**

**TITLE**  
Chair, Board of Optometry

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 21, 2016**  
**TIME: 4:39 PM**

**WSR 16-16-017**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

|   |     |          |         |          |          |          |
|---|-----|----------|---------|----------|----------|----------|
| <b>Federal statute:</b>                 | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Federal rules or standards:</b>      | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Recently enacted state statutes:</b> | New | <u>0</u> | Amended | <u>2</u> | Repealed | <u>0</u> |

**The number of sections adopted at the request of a nongovernmental entity:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted in the agency's own initiative:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted using:**

|                                       |     |          |         |          |          |          |
|---------------------------------------|-----|----------|---------|----------|----------|----------|
| <b>Negotiated rule making:</b>        | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Pilot rule making:</b>             | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Other alternative rule making:</b> | New | <u>0</u> | Amended | <u>2</u> | Repealed | <u>0</u> |

AMENDATORY SECTION (Amending WSR 04-12-127, filed 6/2/04, effective 7/3/04)

**WAC 246-851-580 Drug list.** Pursuant to RCW 18.53.010(4), the optometry board adopts the following drug formulary of oral Schedule II hydrocodone combination products, Schedule III through V controlled substances, and legend drugs for diagnostic and therapeutic purposes in the practice of optometry. No licensed optometrist may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. This section includes the approved oral drug formulary. Optometrists must consult WAC 246-851-590 for specific guidelines on these drugs or drug categories.

(1) Approved nonscheduled oral drugs include:

(a) Antibiotic agents excluding those listed in WAC 246-851-590(1).

(b) Antiviral agents.

(c) Antifungal agents listed under WAC 246-851-590(2).

(d) Antihistamine agents.

(e) Decongestant agents.

(f) Dry eye agents.

(g) Anti-emetic agents listed under WAC 246-851-590(3).

(h) Diuretic agents listed under WAC 246-851-590(4).

(i) Nonsteroidal anti-inflammatory agents excluding those listed in WAC 246-851-590(5).

(j) Analgesics.

(2) Approved controlled substances limited to Schedule II hydrocodone combination products and Schedules III, IV, and V.

(a) Schedule II hydrocodone combination products.

(b) Schedule III controlled substances.

~~((b))~~ (c) Schedule IV controlled substances.

~~((c) Schedule V controlled substances.~~

~~(d) Schedule IV anti-anxiety/sedative agents.)~~ (d) Schedule IV anti-anxiety/sedative agents.

(e) Schedule V controlled substances.

(3) Approved injectable substances.

Administration of epinephrine by injection for the treatment of anaphylactic shock.

AMENDATORY SECTION (Amending WSR 04-12-127, filed 6/2/04, effective 7/3/04)

**WAC 246-851-590 Guidelines for the use of oral Schedule II hydrocodone combination products and Schedule III through V controlled substances and legend drugs.** Nothing in these guidelines should be construed to restrict the recommendation of over-the-counter medications, vitamins, or supplements, nor restrict the ordering of any radiologic or laboratory testing necessary to the diagnosis of any eye related disease that is within the scope of practice of optometry.

(1) All oral forms and dosages of antibiotic agents will be available for use excluding: Vancomycin.

(2) Antifungal agents used in eye care shall fall into the following categories:

- (a) All oral forms and dosages of polyene antifungals.
- (b) All oral forms and dosages of imidazole antifungals.
- (c) All oral forms and dosages of triazole antifungals.

(3) Anti-emetic agents used in eye care shall be the following medications:

- (a) All oral forms and dosages of prochlorperazine.
- (b) All oral forms and dosages of metoclopramide.
- (c) All oral forms and dosages of promethazine.

(4) Diuretic agents used in eye care shall fall into the following categories:

- (a) All oral forms and dosages of carbonic anhydrase inhibitors.

(b) All oral forms and dosages of osmotic diuretics. Osmotic diuretics shall be used only in the case of acute angle closure glaucoma administered in-office, outpatient, and/or ambulatory procedures only.

(5) All oral forms and dosages of nonsteroidal anti-inflammatory agents will be available for use excluding: Ketorolac tromethamine.

(6) Benzodiazepines prescribed, as anti-anxiety agents, shall be used for in-office, outpatient, and/or ambulatory procedures. This family of medications will be utilized as one dosage unit per prescription.

(7) Schedule II controlled substance will only include hydrocodone combination products.

(8) Schedules III and IV controlled substances will have a maximum quantity count of thirty dosage units per prescription.

~~((8))~~ (9) Specific dosage for use and appropriate duration of treatment of oral medications listed in WAC 246-851-580(1) will be consistent with guidelines established by the Food and Drug Administration.

~~((9))~~ (10) Notation of purpose shall be included on all prescriptions.

~~((10))~~ (11) An optometrist may not:

(a) Use, prescribe, dispense, or administer oral corticosteroids;  
or

(b) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(c) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist. If treatment exceeding the limitation is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

~~((11))~~ (12) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized.

~~((12))~~ (13) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance with the exception of Schedule II hydrocodone combination products.