

**HOUSE BILL NO. 245**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE THOMAS

Introduced: 4/18/09

Referred: Labor and Commerce, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to licensure as an optometrist; establishing a retired status optometrist  
2 license; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 08.72.140 is amended to read:

5 **Sec. 08.72.140. Qualifications for licensure [EXAMINATION]. An**  
6 **applicant for licensure as an optometrist**

7 **(1) shall be** [THE BOARD SHALL ADMIT TO THE  
8 EXAMINATION A PERSON WHO FURNISHES PROOF THAT THE PERSON  
9 (1) HAS HAD EDUCATION EQUIVALENT TO FOUR YEARS  
10 ATTENDANCE AT A STATE HIGH SCHOOL;

11 (2) IS] a graduate of a [RECOGNIZED] school or college of  
12 optometry **recognized by the board;**

13 **(2) may not have** [(3) HAS NOT] committed an act in any jurisdiction  
14 that would have constituted a violation of this chapter or regulations adopted under

1 this chapter at the time the act was committed;

2 (3) may not have [(4) HAS NOT] been disciplined by an optometry  
3 licensing entity in another jurisdiction and [IS] not be the subject of a pending  
4 disciplinary proceeding conducted by an optometry licensing entity in another  
5 jurisdiction; however, the board may consider the disciplinary action and, in the  
6 board's discretion, determine if the person is qualified for licensure;

7 (4) shall have successfully completed

8 (A) the written and practical portions of an examination on  
9 ocular pharmacology approved by the board that tests the licensee's or  
10 applicant's knowledge of the characteristics, pharmacological effects,  
11 indications, contraindications, and emergency care associated with the  
12 prescription and use of pharmaceutical agents;

13 (B) a nontopical therapeutic pharmaceutical agent course  
14 of at least 23 hours approved by the board or an examination approved by  
15 the board on the treatment and management of ocular disease; and

16 (C) an optometry and nontopical therapeutic  
17 pharmaceutical agent injection course of at least seven hours approved by  
18 the board or equivalent training acceptable to the board; and

19 (5) shall meet other qualifications for licensure as established  
20 under this chapter and regulations adopted by the board under AS 08.72.050 [TO  
21 BE ADMITTED TO THE EXAMINATION].

22 \* **Sec. 2.** AS 08.72.160(c) is amended to read:

23 (c) An applicant who fails [A PORTION OF] the examination may retake the  
24 examination [TAKE A REEXAMINATION IN THE PORTION FAILED] upon  
25 payment of a [REEXAMINATION] fee established under AS 08.01.065.

26 \* **Sec. 3.** AS 08.72.170 is amended to read:

27 **Sec. 08.72.170. Licensure by credentials.** The board shall issue a license by  
28 credentials to an applicant who

29 (1) [HAS HAD EDUCATION EQUIVALENT TO FOUR YEARS OF  
30 ATTENDANCE AT A STATE HIGH SCHOOL;

31 (2)] is a graduate of a [RECOGNIZED] school or college of optometry

1 **recognized by the board;**

2 (2) [(3)] has passed a written examination approved by the board that  
3 is designed to test the applicant's knowledge of the laws of Alaska governing the  
4 practice of optometry and the regulations adopted under those laws;

5 (3) [(4)] holds a current license to practice optometry in another state  
6 or territory of the United States or in a province of Canada **that has licensure**  
7 **requirements that the board determines are equivalent to those established under**  
8 **this chapter;**

9 (4) [(5)] at some time in the past, received a license to practice  
10 optometry from another state or territory of the United States or from a province of  
11 Canada that required the person to **have passed the National Board of Examiners in**  
12 **Optometry examination to qualify for licensure** [SUCCESSFULLY COMPLETE  
13 AN EXAMINATION IN OPTOMETRY];

14 (5) [(6)] was engaged in the active licensed clinical practice of  
15 optometry in a state or territory of the United States or in a province of Canada for at  
16 least 3,120 hours during the 36 months preceding the date of application under this  
17 section;

18 (6) [(7)] has not committed an act in any jurisdiction that would have  
19 constituted a violation of this chapter or regulations adopted under this chapter at the  
20 time the act was committed; and

21 (7) [(8)] has not been disciplined by an optometry licensing entity in  
22 another jurisdiction and is not the subject of a pending disciplinary proceeding  
23 conducted by an optometry licensing entity in another jurisdiction; however, the board  
24 may consider the disciplinary action and, in the board's discretion, determine if the  
25 person is qualified for licensure.

26 \* **Sec. 4.** AS 08.72.181(d) is amended to read:

27 (d) Before a license may be renewed, the licensee shall submit to the board  
28 evidence **that in the four years preceding the application for renewal the licensee**  
29 **has**

30 **(1) completed eight hours of continuing education, approved by**  
31 **the board, concerning the use and prescription of pharmaceutical agents;**

(2) completed seven hours of continuing education, approved by the board, concerning the injection of nontopical therapeutic pharmaceutical agents; and

(3) met other [OF POSTGRADUATE] continuing education requirements [INSTRUCTION] as may be prescribed by regulations of the board to ensure the continued protection of the public.

\* **Sec. 5.** AS 08.72 is amended by adding a new section to read:

**Sec. 08.72.185. Retired license status.** (a) On retiring from practice and on payment of an appropriate one-time fee, a licensee in good standing with the board may apply for the conversion of an active or inactive license to a retired status license. A person holding a retired status license may not practice optometry in the state. A retired status license is valid for the life of the license holder and does not require renewal. A person holding a retired status license is exempt from license renewal requirements of AS 08.72.181.

(b) A person with a retired status license may apply for active licensure. Before issuing an active license under this subsection, the board may require the applicant to meet reasonable criteria, as determined under regulations of the board.

\* **Sec. 6.** AS 08.72.272(a) is amended to read:

(a) A licensee [WITH AN ENDORSEMENT ISSUED UNDER AS 08.72.175(a)] may prescribe and use a pharmaceutical agent, including a controlled substance, in the practice of optometry if

(1) the pharmaceutical agent

(A) is prescribed and used for the treatment of ocular disease or conditions, ocular adnexal disease or conditions, or emergency anaphylaxis;

(B) is not a schedule IA, IIA, or VIA controlled substance;

(C) is prescribed in a quantity that does not exceed four days of prescribed use if it is a controlled substance;

(D) is not injected into the ocular globe of the eye; and

(E) is not a derivative of clostridium botulinum; and

(2) the licensee

(A) has a physician-patient relationship, as defined by the

board in regulations adopted under this chapter, with the person to whom the pharmaceutical agent is prescribed; and

(B) has on file with the department the licensee's current federal Drug Enforcement Administration registration number that is valid for the controlled substance prescribed or used.

\* **Sec. 7.** AS 08.72.160(d), 08.72.175, 08.72.272(b), and 08.72.272(c) are repealed.

\* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES. (a) A license issued under AS 08.72.150 by the Board of Examiners in Optometry before the effective date of this Act is valid for

(1) the scope of practice authorized for that license when issued; and

(2) the period issued.

(b) A licensee holding a license issued before the effective date of this Act who does not have a license endorsement issued under AS 08.72.175(a), as it read on the day before the effective date of this Act, may apply to the Board of Examiners in Optometry for a restricted license.

(c) The Board of Examiners in Optometry may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry except for use of a drug topically applied to the human eye and its appendages as permitted under former AS 08.72.175(c) and former AS 08.72.272(c), to an optometrist who has a license issued before the effective date of this Act and a license endorsement issued under AS 08.72.175(c), as it read on the day before the effective date of this Act.

(d) The Board of Examiners in Optometry may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry, to an optometrist who has a license issued before the effective date of this Act but does not have a license endorsement issued before the effective date of this Act.

(e) A restricted license issued under (c) or (d) of this section may be renewed under the same conditions that apply to other licenses issued under AS 08.72, except that

(1) the holder of a restricted license under (d) of this section is not required to comply with the continuing education requirements of AS 08.72.181(d)(1) and (2);

1           (2) the holder of a restricted license under (c) of this section is not required to  
2 comply with the continuing education requirements of AS 08.72.181(d)(2), and is only  
3 required to comply with AS 08.72.181(d)(1) to the extent specified by the Board of  
4 Examiners in Optometry in regulation.

5           (f) The Board of Examiners in Optometry may remove the restrictions on a license  
6 issued under this section if the licensee has met the requirements of AS 08.72.140(4), as  
7 added by sec. 1 of this Act.

8       \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10       REVISOR INSTRUCTION. In the section heading for AS 08.72.272, the revisor of  
11 statutes shall substitute "Prescription and use of pharmaceutical agents" for "Pharmaceutical  
12 agents."

13       \* **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).