

# Alaska State Medical Association

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February 13, 2017

Honorable David Wilson  
Alaska State Senate  
State Capitol Room 115  
Juneau, AK 99801

RE: Senate Bill 36

Dear Senator Wilson:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

ASMA opposes Senate Bill 36 which is just the latest attempt to expand the scope of practice for optometrists beyond their professional training, lower standards of care and put patient's health at risk.

Although the bill appears to be short, the expansion to the scope of practice is monumental.

All licensing boards have specific statutory grants of authority and specific restrictions that provide a balance between having elected officials create policy and protect the public's interest and the need to allow limited decision making by individuals in specific occupation to implement those policies. The focus being on implementing licensing requirements and disciplining licensed members who violated the statutory polices created by elected members of the legislature. Boards were never seen as policy entities with discretion to define their own scope of practice.

Senate Bill 36 attempts to adopt a new standard granting virtually all policy decisions to the Optometry Board in two critical areas, prescription drugs and surgery. If the legislature adopts this new approach many pages could be removed from Alaska's Statutes by merely replacing authorities and restrictions with a single grant of authority saying "the board may adopt regulations necessary to govern...". This concept of just trust the Board to make the right decision threatens to empower businesses with almost unfettered power to make critical policy decisions in which they have a vested interest. While we do not intend to impugn anyone's character we should all acknowledge it is human nature to have natural biases in matters that benefit the decision maker. Thus, Boards comprised of licensed members regulate the scope of practice. At least until now, they do not define it.

Proposed legislation broadening the scope of practice for Optometrists has a long and somewhat controversial history in the Alaska Legislature. During the last legislature legislation was proposed to define new authority for Optometrists in the areas of surgery and prescription drugs. The last legislature was not persuaded to pass that legislation and Optometrists scope of practice was not expanded. SB 36 takes a new tactic to avoid the policy debate around defining the scope of practice and avoid the process of convincing legislators that the policy behind the proposed expansion in scope of practice is appropriate and instead grants an Executive Branch Board broad authority to adopt policy that past legislatures have rejected.

While the legislative process can be slow, cumbersome and even frustrating the legislature should tread cautiously in avoiding that process by moving legislative policy functions to the executive branch. Especially moving policy decisions to licensed individuals with a vested interest in the outcome.

We have two specific concerns with SB 36.

- 1) A broad grant of authority allowing the Board of Optometry to self-regulate the use of prescription and pharmaceutical agents without restriction is unprecedented and grants authority to a Board that without argument provides authority for prescribing prescriptions and pharmaceutical agents beyond the training of Optometrists.

SB 36 would remove patient protections regarding prescription and administration of pharmaceuticals. Optometrists are not physicians and do not receive training necessary to perform injections into the globe of the eye. Furthermore, this legislation could ultimately allow optometrists to inject Botox for either cosmetic or therapeutic purposes. Optometrists simply are not trained to perform such procedures.

With regard to prescriptions, SB 36 would allow the Board to grant authority to non-physician optometrists to prescribe any controlled substances, including opioids. In 2014, after much deliberation the Alaska Legislature allowed the limited and temporary prescription of substances containing hydrocodone to be prescribed by optometrists. Even this small expansion drew great deliberation and concern. Allowing controlled substances to be prescribed by individuals without appropriate training jeopardizes the health of Alaska patients. Any expansion in scope of practice for prescription drugs or pharmaceutical agents should be expressly defined in statute.

- 2) A broad grant of authority allowing the Board of Optometry to self-regulate what ophthalmic surgeries and what "noninvasive" procedures can be performed is unprecedented and without argument provides the Board authority to allow surgeries and procedures beyond the training of Optometrists.

ASMA has great concern over the expansion of practice to include invasive surgery.

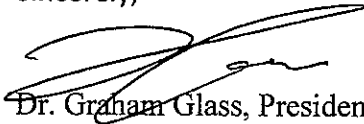
Not only do optometry schools not currently provide the education and training to perform surgery safely that is comparable to ophthalmology residency programs but even if they started optometrists who have already graduated have not acquired that education and training. The surgeries included in past efforts and admittedly are the goal include dozens of surgeries with lasers, scalpels, needles, ultrasound and other techniques. None of these surgeries are "superficial" or "not invasive."

Quite simply, expanding the scope of practice for optometrists to include laser surgeries is inappropriate given optometrists' level of training and providing a broad grant of authority to the Board to allow such an expansion is inappropriate.

If Optometrists believe an expansion of scope of practice is warranted the legislature needs to make the policy decision to do so after hearing testimony, weighing patient safety and a thorough debate. Any such expansion should be defined to allow the Board to understand the limits of the authority and allow it to implement the policy.

ASMA requests that SB 36 not move from your committee.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Glass", written over a horizontal line.

Dr. Graham Glass, President  
Alaska State Medical Association