

Jody Simpson

From: Frank Bickford <bpgalaska@icloud.com>
Sent: Friday, February 03, 2017 4:30 AM
To: Jody Simpson
Subject: SB 36
Attachments: SB 36.docx; ATT00001.htm

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Jody,

If at all possible, please include attached in Committee member packets and on line..

Thank you,
Frank

00

SENATE BILL NO. 36

01 "An Act relating to the practice of optometry."

02 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

03 * Section 1. AS 08.72.050 is amended to read:

04 Sec. 08.72.050. Regulations. The board shall adopt regulations

05 (1) necessary for the proper performances of its duties;

06 (2) governing the applicants and applications for licensing;

07 (3) for the licensing of optometrists;

08 (4) necessary to govern the practice of optometry, including the
09 prescription and use of pharmaceutical agents for the treatment of eye
10 disease;

11 (5) prescribing requirements that a person licensed under this chapter
12 must meet to demonstrate continued professional competency;

13 (6) describing the scope of practice for a licensee to perform
ophthalmic surgery and noninvasive procedures.

14 * Sec. 2. AS 08.72.181(d) is amended to read:

15 (d) Before a license may be renewed, the licensee shall submit to the board
01 evidence that, during the preceding licensing period [IN THE FOUR YEARS
02 PRECEDING THE APPLICATION FOR RENEWAL], the licensee has
03 [(1) COMPLETED EIGHT HOURS OF CONTINUING
04 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE USE AND
05 PRESCRIPTION OF PHARMACEUTICAL AGENTS;
06 (2) COMPLETED SEVEN HOURS OF CONTINUING
07 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE INJECTION
08 OF NONTOPICAL THERAPEUTIC PHARMACEUTICAL AGENTS; AND
09 (3)] met [OTHER] continuing education requirements as may be
10 prescribed by regulations of the board to ensure the continued protection of the
11 public.

11 * Sec. 3. AS 08.72.272(a) is repealed and reenacted to read:

12 (a) A licensee may prescribe and use a pharmaceutical agent, including a
13 controlled substance, in the practice of optometry if the pharmaceutical agent is
14 used
15 in a manner consistent with standards adopted by the board in regulation; the
standards
15 must include limitations on practice adopted under AS 08.72.278.

This Information is provided by the
American Academy of Ophthalmology. Local
contact: 907-563-5882

This provision is more expansive than SB 55
In conjunction with Sections 3, this provision
reinforces Board powers to expand the scope
of practice of optometry to include a broader
range of controlled substances and injections
that are specifically prohibited under existing
law. In fact, SB 36 is even more expansive
than SB 55 Board authority would now
include regulation of intravitreal injections by
optometrists which SB 55 specifically
prohibited.

This provision is more expansive than SB 55
08.72.050 (6) authorizes the Board to define
"ophthalmic surgery" and to define non-
"invasive procedure." In conjunction with
Section 4, this provision would give the
Board sole and full authority to allow
optometrists to perform surgery, whether
they call these surgeries "ophthalmic surgery"
or "noninvasive procedures." This provision
is even more expansive than SB 55, which
specifically prohibited a limited number of
procedures, which it called "invasive surgery."

This Section is identical to SB 55
SB 36 contains no specific educational
requirements related to performing surgery.

This Provision is more expansive than SB 55
Existing law prohibits IA, IIA and VIA
controlled substances, except for an agent
containing hydrocodone. Controlled
substances are limited to a 4 day supply.

16 * Sec. 4. AS 08.72 is amended by adding a new section to read:
17 Sec. 08.72.278. Limitation on practice. (a) A licensee may perform the
18 services of optometry as defined in AS 08.72.300 only if the services are within
19 the
19 scope of the licensee's education, training, and experience as established by
20 regulations adopted by the board.

21 (b) A licensee may not perform ophthalmic surgery, as described by the board
22 in regulation, if the surgery is beyond the scope of the licensee's education,
23 training,
23 and experience.

SB 36 contains no limitations on the prescription of controlled substances and no limitations on supply.

Existing law requires that for the prescription of a pharmaceutical agent, including a controlled substance, there must be a physician-patient relationship as determined by the Board. SB 36 removes the requirement of a physician-patient relationship.

Existing law specifically prohibits Botox injections and injections into the globe of the eye. SB 36 would allow any injections into the globe of the eye and Botox injections.

This provision is even more expansive than SB 55, which specifically prohibited intravitreal injections; SB 36 does not specifically prohibit any injections.

This Section is more expansive than SB 55
In conjunction with the provisions in Section 5, this provision reinforces Board powers to expand the scope of practice of optometry, including whatever it describes as a "noninvasive procedure." The board by regulation would determine if the noninvasive procedure is within the scope of the licensee's education, training and experience. Apparently, the bill does not require this same regulatory threshold for "ophthalmic surgery." This suggests that the difference the terms "noninvasive procedure" and "ophthalmic surgery" are nominal.

This provision is more expansive than SB 55
SB 36 would give sole and full authority to the optometry board to perform "ophthalmic surgery". Under 08.72.278(b), board would be empowered to define "ophthalmic surgery" but is also not required to adopt regulations to set a minimum standard to determine if a surgery is beyond the scope of the licensee's education, training and experience. In contrast, SB 55 prohibited "invasive surgery" but defined it in a way to specifically prohibit some surgeries but still

24 * Sec. 5. AS 08.72.300(3) is repealed and reenacted to read:
25 (3) "optometry" means the examination, evaluation, diagnosis,
26 treatment, or performance of preventive procedures related to diseases,
disorders, or
27 conditions of the human eyes or adjacent and associated structures, consistent
with this
28 chapter and regulations adopted by the board

allowed optometrists to perform dozens of other surgeries - which are, in fact, invasive - using lasers, scalpels, needles, ultrasound, and other techniques on the eye and surrounding tissues.

Existing law specifically excludes lasers, xrays and surgery from the definition of optometry. SB 36 does not specifically exclude lasers, xrays and surgery from the definition of optometry.

Existing law limits the definition of optometry to "examinations, diagnosis, and treatment of conditions of the eye". SB 36 changes the definition to "examination, evaluation, **Commented [1]:** diagnosis, treatment and performance of preventive procedures related to diseases, disorders and conditions of the eye or adjacent and associated structures". This language would expand the scope of practice of optometry to include testing and treatments of medical conditions underlying some eye diseases, such as diabetes and hypertension, as determined by the Board.