



March 25, 2024

The Honorable Max Prax  
Chair, House Health and Social Services Committee  
State Capitol, Room 108  
Juneau, Alaska 99801

Subject: *HB 309, an Act relating to the Delegation of "Routine Services" by Optometry*

Dear Chairman Prax:

We are writing on behalf of the American Academy of Ophthalmology, the world's largest association of eye physicians and surgeons and our members in Alaska. A global community of 32,000 medical doctors and surgeons, we are dedicated to advocating for our patients and the public to ensure the highest standards of patient safety and quality care. It is for these reasons that we respectfully request that you oppose House Bill 309. This bill jeopardizes patient safety by authorizing optometrists to delegate the care of patients without sufficient guardrails.

Ophthalmologists work closely with Alaska's optometrists on the post-operative care of surgical patients and on the care of patients with chronic eye disease. However, without important safeguards, inappropriate delegation of services could have a negative impact on health outcomes for patients.

The provisions of HB 309 are unclear on:

- Those who can be delegated services,
- Which services may be delegated,
- The levels of required supervision, and
- The required education by persons who are delegated these services.

In contrast, Section 08.36.346 of the state's practice of dentistry act governs delegation by dentists and provides far greater guardrails through statutory guidance on this same authority. The dentistry act specifically authorizes dentists to delegate to "dental assistants." It also specifies the tasks that may be delegated under direct supervision and indirect supervision. Conversely, HB 309 provides no information on who may be delegated tasks and provides no information on levels of supervision. Furthermore, the dentistry act limits the discretion of the Board of Dental Examiners on other tasks that may be delegated by prohibiting dentists from delegating tasks to a dental assistant that requires the professional skill of a licensed dentist or licensed dental hygienist. HB 309 does the opposite for optometry. Section 2 of HB 309 explicitly allows a person delegated services to practice, attempt to practice, and offer to practice optometry without a license.

The dentistry act also requires that dental assistants receive a completion of coursework certificate for certain delegated tasks before they can perform them. Under HB 309 however, educational requirements will be left entirely to the Board of Examiners in Optometry who may have little information or ability to assess the baseline knowledge of the myriad of agents who may be approved for delegated authority.

There are also similar statutory guidelines for the delegation of tasks from dentists to “dental hygienists.” Section 08.32.115 of the dental act contains provisions regarding tasks that can be delegated to a dental hygienist under a collaborative agreement without supervision. The statute contains substantial education and training requirements under these agreements. In addition, the statute limits the number of collaborative agreements in which dentists can simultaneously engage. In contrast, under the provisions of HB 309, the extent of delegation by optometrists, the parameters, the circumstances, and the limits are completely unknown to the legislature and the public, except for the prohibition for delegating duties related to pain management and opioid use and addiction, which are rarely prescribed for eye care.

It is our firm position that HB 309 lacks sufficient specificity. We believe an approach with additional delineation of the authority to delegate incorporating patient safeguards into the statute - like the statutory guidelines the legislature has provided for dentists – would better protect eye care patients in Alaska.

For these reasons, we ask you to oppose HB 309.

Sincerely,



Stephen D. McLeod, MD  
Chief Executive Officer



Jane C. Edmond, MD  
President

Cc: Members of the House Health and Social Services Committee