



LAWS OF ALASKA

1988

Source

HCS CSSB 226 (Fin)

Chapter No.

49

AN ACT

Relating to the regulation of optometry.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 25, 1988
Actual Effective Date: August 23, 1988

AN ACT

Relating to the regulation of optometry.

* Section 1. FINDINGS AND INTENT. (a) The legislature finds that

(1) the scope of practice of optometry is a matter affecting the public health, safety, and welfare;

(2) expansion of the scope of practice of optometry to include the use of certain pharmaceutical agents will enhance the breadth and quality of professional optometric services available in the state; and

(3) a high degree of public trust is bestowed upon licensed optometrists who qualify to use pharmaceutical agents and that these optometrists should reward this trust by exercising great care in the use of pharmaceutical agents.

(b) It is the intent of the legislature that optometrists

(1) abide by the scope of practice of optometry as provided by law;

(2) not treat ocular diseases or disorders except as provided by law; and

(3) refer patients with ocular diseases or disorders to appropriate health care providers.

* Sec. 2. AS 08.72.160(a) is amended to read:

(a) The examination shall be written, practical, and oral in nature. The [NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION, PARTS 1 AND 2, SHALL COMPRISE THE] written portion of the Alaska examination shall consist of all or part of a national or inter-

Chapter 49

1 national examination designated by regulation by the board. The oral
2 portion of the examination shall be recorded and retained for two
3 years.

4 * Sec. 3. AS 08.72.160(c) is amended to read:

5 (c) An applicant who fails a [THE WRITTEN] portion of the exam-
6 ination may take a reexamination in the portion failed [WRITTEN POR-
7 TION] upon payment of a reexamination [AN ADDITIONAL EXAMINATION] fee
8 established under AS 08.01.065.

9 * Sec. 4. AS 08.72.160(d) is amended to read:

10 (d) An applicant who fails more than one portion of the examina-
11 tion must retake the entire examination and pay the [FULL] examination
12 fee.

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

14 Sec. 08.72.175. LICENSE ENDORSEMENT. (a) The board may issue a
15 license endorsement authorizing a licensee to use the pharmaceutical
16 agents described in AS 08.72.272, if the licensee or applicant for a
17 license passes the written and practical portions of an examination on
18 ocular pharmacology, approved by the board, that tests the licensee's
19 or the applicant's knowledge of the characteristics, pharmacological
20 effects, indications, contraindications, and emergency care associated
21 with the use of pharmaceutical agents. The endorsement expires at the
22 same time as the license to which it attaches. The endorsement may be
23 renewed upon satisfactory completion of continuing education require-
24 ments established by the board by regulation.

25 (b) A pharmacist or pharmaceutical supplier may supply a li-
26 censee with pharmaceutical agents as provided under AS 08.72.272 upo
27 n presentation of evidence that the licensee holds a license endorsemen
28 under this section.

29 * Sec. 6. AS 08.72.240 is amended to read:

1 Sec. 08.72.240. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
2 TIONS. The board may impose disciplinary sanctions when the board
3 finds after a hearing that a licensee

4 (1) secured a license through deceit, fraud, or intentional
5 misrepresentation;

6 (2) engaged in deceit, fraud, or intentional misrepresenta-
7 tion in the course of providing professional services or engaging in
8 professional activities;

9 (3) advertised professional services in a false or mislead-
10 ing manner;

11 (4) has been convicted of a felony or other crime which
12 affects the licensee's ability to continue to practice competently and
13 safely;

14 (5) intentionally or negligently engaged in or permitted
15 the performance of patient care by persons under the licensee's super-
16 vision which does not conform to minimum professional standards re-
17 gardless of whether actual injury to the patient occurred;

18 (6) failed to comply with this chapter, with a regulation
19 adopted under this chapter, or with an order of the board;

20 (7) continued to practice after becoming unfit due to

21 (A) professional incompetence;

22 (B) failure to keep informed of or use current profes-
23 sional theories or practices;

24 (C) addiction or severe dependency on alcohol or other
25 drugs which impairs the licensee's ability to practice safely;

26 (D) physical or mental disability;

27 (8) engaged in lewd or immoral conduct in connection with
28 the delivery of professional service to patients;

29 (9) failed to refer a patient to a physician [THE

Chapter 49

1 APPROPRIATE HEALTH CARE PRACTITIONER] after ascertaining the [POSSI-
2 BLE] presence of ocular or systemic conditions requiring management by
3 a physician [DISEASE].

4 * Sec. 7. AS 08.72 is amended by adding new sections to article 3 to
5 read:

6 Sec. 08.72.272. USE OF PHARMACEUTICAL AGENTS. (a) A licensee
7 may use a pharmaceutical agent in the practice of optometry if

8 (1) the pharmaceutical agent is

9 (A) a drug, used for examination purposes only, within
10 the categories of

11 (i) topically applied ocular anesthetics, but not
12 including cocaine;

13 (ii) cycloplegics or mydriatics, but not including
14 atropine, homatropine, scopolamine, epinephrine, and 10
15 percent phenylephrine; or

16 (B) a drug, within the category of miotics used, after
17 consultation with an ophthalmologist, for the treatment of an
18 inadvertently induced angle closure; and

19 (2) the person holds a license endorsement issued by the
20 board authorizing the use of pharmaceutical agents.

21 (b) Except as provided in (a) of this section, a licensee may
22 not use pharmaceutical agents for treatment of an eye disease or
23 disorder or for any other therapeutic purpose.

24 (c) A licensee may not purchase, possess, or administer a phar-
25 maceutical agent unless the licensee has obtained a license endorse-
26 ment under AS 08.72.175.

27 Sec. 08.72.274. EXEMPTION. This chapter and regulations adopted
28 under this chapter do not limit the practice of an optician licenser
29 under AS 08.71.

1 * Sec. 8. AS 08.72.300 is repealed and reenacted to read:

2 Sec. 08.72.300. DEFINITIONS. In this chapter

3 (1) "board" means the Board of Examiners in Optometry;

4 (2) "department" means the Department of Commerce and
5 Economic Development;

6 (3) "optometry" means the examination, diagnosis, and
7 treatment of conditions of the human eyes and visual system, other
8 than by use of laser, x-rays, surgery, or pharmaceutical agents, other
9 than those permitted under AS 08.72.272; "optometry" includes the
10 employment of methods that a person licensed under this chapter is
11 educationally qualified to use, as established by the board;

12 (4) "practicing optometry" means the performance of, or
13 offer to perform, optometry for compensation;

14 (5) "recognized school or college of optometry" means a
15 school or college approved by the American Optometric Association or a
16 committee of the American Optometric Association.

17 * Sec. 9. AS 08.72.160(b) is repealed.