

HOUSE BILL NO. 195

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY REQUEST

Introduced: 3/14/97

Referred: Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of optometrists; and providing for an effective date."

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

3 * **Section 1.** AS 08.72.110(a) is amended to read:

4 (a) A person may not practice, attempt to practice, or offer to practice
5 optometry without first obtaining a license from the board. **If the board has**
6 **determined under AS 08.72.172 or 08.72.175 that, in addition to a license, a**
7 **licensee must hold an endorsement or meet additional requirements before the**
8 **licensee may perform a specific diagnostic, examination, or therapeutic method**
9 **included in the definition of "optometry" in AS 08.72.300, a licensee may not use,**
10 **attempt to use, or offer to use the method without first being approved to do so**
11 **by the board, either by meeting the additional requirements, as determined by the**
12 **board, or obtaining the proper endorsement, or both, as applicable under the**
13 **board's regulations.**

14 * **Sec. 2.** AS 08.72.150 is amended to read:

15 **Sec. 08.72.150. Application for examination and issuance of license.** An

1 applicant shall apply for the examination by filing an application with the department
 2 together with the examination fee by the deadline established by the department in
 3 regulations. Upon successful completion of the examination by the applicant and
 4 payment of the license fee, the board shall issue a license to the successful applicant.

5 **Except as provided in AS 08.72.110(a), the** [THE] applicant may practice optometry
 6 in the state upon receipt of the license.

7 * **Sec. 3.** AS 08.72 is amended by adding a new section to read:

8 **Sec. 08.72.172. Additional qualifications.** The board may, by regulation,
 9 establish additional requirements, including professional competency or educational
 10 requirements, that must be met by a licensee before the licensee may use a specific
 11 diagnostic, examination, or therapeutic method included in the definition of
 12 "optometry" in AS 08.72.300. The board's regulations under this section must be
 13 rationally related to ensuring that the licensee is competent to use the specific
 14 diagnostic, examination, or therapeutic method.

15 * **Sec. 4.** AS 08.72.175 is amended by adding a new subsection to read:

16 (c) The board may, by regulation, establish a requirement that a licensee obtain
 17 a special endorsement to use a specific diagnostic, examination, or therapeutic
 18 treatment method included within the definition of "optometry" in AS 08.72.300. The
 19 board's regulations under this subsection must be rationally related to ensuring that the
 20 licensee is competent to use the specific diagnostic, examination, or therapeutic
 21 method.

22 * **Sec. 5.** AS 08.72.272(a) is amended to read:

23 (a) A licensee may prescribe and use a pharmaceutical agent in the practice
 24 of optometry if

25 (1) the pharmaceutical agent is **rationally related to the diagnosis and**
 26 **treatment of** [A DRUG TOPICALLY APPLIED TO] the human eye and its
 27 appendages; [AND]

28 (2) the person holds a license endorsement issued by the board
 29 authorizing the prescription and use of pharmaceutical agents; **and**

30 **(3) the board has determined that the person meets the additional**
 31 **requirements, if any, that the board may establish under AS 08.72.172.**

1 * **Sec. 6.** AS 08.72.300(3) is repealed and reenacted to read:

2 (3) "optometry" means

3 (A) the employment of objective or subjective methods, or both,
4 including ophthalmic instrumentation, for the purpose of diagnosing and
5 treating disorders of visual, perceptual, refractive, muscular, neurological, or
6 anatomical anomaly or other abnormal conditions of the human eye and its
7 appendages;

8 (B) the prescribing of ophthalmic lenses, contact lenses, prisms,
9 or filters to aid, relieve, or correct disorders of visual, perceptual, refractive,
10 muscular, neurological, or anatomical anomaly or other abnormal conditions of
11 the human eye and its appendages;

12 (C) orthoptic training, visual therapy, perceptual therapy,
13 neuromuscular therapy, or low-vision rehabilitation to aid, relieve, or correct
14 disorders of visual, perceptual, refractive, muscular, neurological, or anatomical
15 anomaly or other abnormal conditions of the human eye and its appendages;

16 (D) the supplying, replacement, or duplication of an ophthalmic
17 spectacle lens, ophthalmic contact lens, or spectacle frame;

18 (E) examination, diagnosis, and treatment of conditions of the
19 human eye and its appendages, including

20 (i) ordering or performing laboratory tests and
21 procedures rationally related to the diagnosis of conditions of the eye
22 and its appendages;

23 (ii) prescribing and using pharmaceutical agents,
24 including controlled substances other than those listed on schedule IA
25 or IIA in AS 11.71, that are rationally related to the diagnosis and
26 treatment of conditions of the eye and its appendages;

27 (iii) performing clinical procedures that are rationally
28 related to the diagnosis and treatment of conditions of the eye and its
29 appendages, as determined by the board;

30 (iv) performing limited surgical procedures, including
31 the use of diagnostic and therapeutic laser, as determined by the board,

1 other than invasive surgery;
2 (v) administering medication for the treatment of
3 anaphylaxis or anaphylactic reaction;

4 * **Sec. 7.** AS 08.72.300 is amended by adding a new paragraph to read:

5 (6) "invasive surgery" means surgical procedures that
6 (A) require general anesthesia;
7 (B) open the globe of the human eye;
8 (C) resect or recess extraocular muscle tissue; or
9 (D) treat disorders of the retina.

10 * **Sec. 8.** REGULATIONS. The Board of Examiners in Optometry may begin the process
11 required for adopting regulations to implement this Act. The regulations may not take effect
12 before March 1, 1998.

13 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect March 1, 1998.