

SENATE CS FOR HOUSE BILL NO. 289(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/17/16

Referred: Rules

Sponsor(s): REPRESENTATIVES LEDOUX, Gara, Josephson

SENATOR McGuire

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the membership of the Board of Barbers and Hairdressers; and
2 relating to the practice of optometry."

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

4 * **Section 1.** AS 08.13.010 is amended to read:

5 **Sec. 08.13.010. Creation and membership of board.** (a) There is created the
6 Board of Barbers and Hairdressers consisting of seven [SIX] members appointed by
7 the governor.

8 (b) The board consists of

9 (1) one person [TWO PERSONS] licensed as a barber [BARBERS]
10 under this chapter;

11 (2) one person licensed to practice body piercing or licensed to
12 practice tattooing and permanent cosmetic coloring under this chapter;

13 (3) two persons licensed as hairdressers under this chapter, one of
14 whom is also licensed as an esthetician under this chapter; [AND]

1 (4) one public member;

2 **(5) one person licensed to practice manicuring under this chapter;**

3 **and**

4 **(6) one person licensed to practice any activity licensed under this**

5 **chapter.**

6 * **Sec. 2.** AS 08.72.050 is amended to read:

7 **Sec. 08.72.050. Regulations.** The board shall adopt regulations

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

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

10 (3) for the licensing of optometrists;

11 (4) necessary to govern the practice of optometry, **including the**

12 **prescription and use of pharmaceutical agents for the treatment of eye disease;**

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

15 **(6) describing the scope of practice for a licensee to perform**

16 **ophthalmic surgery and noninvasive procedures.**

17 * **Sec. 3.** AS 08.72.181(d) is amended to read:

18 (d) Before a license may be renewed, the licensee shall submit to the board
19 evidence that, **during the preceding licensing period** [IN THE FOUR YEARS
20 PRECEDING THE APPLICATION FOR RENEWAL], the licensee has

21 [(1) COMPLETED EIGHT HOURS OF CONTINUING
22 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE USE AND
23 PRESCRIPTION OF PHARMACEUTICAL AGENTS;

24 (2) COMPLETED SEVEN HOURS OF CONTINUING
25 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE INJECTION
26 OF NONTOPICAL THERAPEUTIC PHARMACEUTICAL AGENTS; AND

27 (3)] met [OTHER] continuing education requirements as may be
28 prescribed by regulations of the board to ensure the continued protection of the public.

29 * **Sec. 4.** AS 08.72.272(a) is repealed and reenacted to read:

30 (a) Except as provided in (e) and (f) of this section, a licensee may prescribe
31 and use a pharmaceutical agent, including a controlled substance, in the practice of

1 optometry if the pharmaceutical agent is used in a manner consistent with standards
 2 adopted by the board in regulation; the standards must include limitations on practice
 3 adopted under AS 08.72.278.

4 * **Sec. 5.** AS 08.72.272 is amended by adding new subsections to read:

5 (e) A licensee may not perform an injection in the ocular globe of the eye that
 6 is a derivative of clostridium botulinum.

7 (f) Notwithstanding another provision of law, a licensee may not prescribe a
 8 controlled substance in a quantity exceeding a seven-day supply. If a patient requires a
 9 refill of the prescription after expiration of the seven-day supply, the licensee shall
 10 refer the patient to a licensed physician or ophthalmologist.

11 * **Sec. 6.** AS 08.72 is amended by adding a new section to read:

12 **Sec. 08.72.278. Limitation on practice.** (a) A licensee may perform the
 13 services of optometry as defined in AS 08.72.300 only if the services are within the
 14 scope of the licensee's education, training, and experience as established by
 15 regulations adopted by the board.

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

19 * **Sec. 7.** AS 08.72.300(3) is repealed and reenacted to read:

20 (3) "optometry" means the examination, evaluation, diagnosis,
 21 treatment, or performance of preventive procedures related to diseases, disorders, or
 22 conditions of the human eyes or adjacent and associated structures, consistent with this
 23 chapter and regulations adopted by the board;

24 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 **TRANSITION.** (a) Notwithstanding the provisions of AS 08.13.010, as amended by
 27 sec. 1 of this Act, the members of the Alaska Board of Barbers and Hairdressers appointed
 28 under AS 08.13.010(b)(1) who are serving on the effective date of sec. 1 of this Act may
 29 continue to serve the term for which the member was appointed after the effective date of sec.
 30 1 of this Act. The member described under AS 08.13.010(b)(6), as amended by sec. 1 of this
 31 Act, shall be appointed as soon after the effective date of sec. 1 of this Act as there is a

1 vacancy in the members appointed under AS 08.13.010(b)(1).

2 (b) The first person appointed under AS 08.13.010(b)(1), as it read on the day before
3 the effective date of sec. 1 of this Act, whose term expires after the effective date of sec. 1 of
4 this Act shall be replaced with a person meeting the qualifications under AS 08.13.010(b)(6).