

Offered: 2/29/84
Referred: Rules

Original sponsor: Martin

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 CS FOR HOUSE BILL NO. 225 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the practice of optometry and
7 authorizing the use of certain drugs by optome-
8 trists."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 08.64.170(a) is amended to read:
11 (a) A person may not practice medicine, podiatry, osteopathy, or
12 acupuncture in the state unless the person is licensed under this
13 chapter, except that
14 (1) a physician assistant may examine, diagnose or treat
15 persons under the supervision, control, and responsibility of either a
16 physician licensed under this chapter or a physician exempted from
17 licensing under AS 08.64.370;
18 (2) a physician-trained mobile intensive care paramedic may
19 render emergency lifesaving service;
20 (3) a person licensed under AS 08.36 may perform acupunc-
21 ture in the regular practice of dentistry, subject to the regulations
22 of the Board of Dental Examiners; [AND]
23 (4) a person licensed under AS 08.72 may use and prescribe
24 legend drugs, as defined in AS 08.72.300, if the person's license is
25 endorsed by the board of examiners in optometry as provided in
26 AS 08.72; and
27 (5) a person who is licensed or authorized under another
28 chapter of this title may engage in a practice that is authorized
29 under that chapter.

1 * Sec. 2. AS 08.64.360 is amended to read:

2 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR IN
3 VIOLATION OF CHAPTER. Except for a physician assistant, an
4 optometrist, and a physician-trained mobile intensive care paramedic
5 under AS 08.64.170, or a person licensed or authorized under another
6 chapter of this title who engages in practices for which that person
7 is licensed or authorized under that chapter, a person practicing
8 medicine or osteopathy in the state without a valid license or permit
9 is guilty of a class A misdemeanor. Each day of illegal practice is a
10 separate offense.

11 * Sec. 3. AS 08.72.240 is amended to read:

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

15 (1) secured a license through deceit, fraud, or intentional
16 misrepresentation;

17 (2) engaged in deceit, fraud, or intentional misrepresenta-
18 tion in the course of providing professional services or engaging in
19 professional activities;

20 (3) advertised professional services in a false or mislead-
21 ing manner;

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

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

29 (6) failed to comply with this chapter, with a regulation

1 adopted under this chapter, or with an order of the board;

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

3 (A) professional incompetence;

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

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

8 (D) physical or mental disability;

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

11 (9) failed to refer a patient to the appropriate health
12 care practitioner for treatment of conditions beyond the scope of the
13 licensee's training; [AFTER ASCERTAINING THE POSSIBLE PRESENCE OF
14 OCULAR DISEASE]

15 (10) used, dispensed, or prescribed a legend drug except as
16 provided in AS 08.72.277, or used, dispensed, or prescribed a drug in
17 violation of that section.

18 * Sec. 4. AS 08.72 is amended by adding a new section to read:

19 Sec. 08.72.277. USE, DISPENSING, OR PRESCRIPTION OF DRUGS. (a)

20 A licensee may not use, dispense, or prescribe a legend drug under
21 this chapter without a license endorsement issued by the board, certi-
22 fying the licensee's competence to use legend drugs.

23 (b) A licensee may not use, dispense, or prescribe any drug
24 identified by the United States Drug Enforcement Administration as a
25 controlled substance.

26 (c) A licensee may not use, dispense, or prescribe a legend drug
27 that is not prepared and marketed for topical application to the human
28 eye or eyelid. Topical drugs that may be used under this section
29 shall be limited to the following categories:

- 1 (1) anesthetics;
- 2 (2) antihistamines;
- 3 (3) anti-infectives;
- 4 (4) anti-glaucoma agents;
- 5 (5) antivirals;
- 6 (6) corticosteroids;
- 7 (7) cycloplegics;
- 8 (8) decongestants;
- 9 (9) hyperosmotics;
- 10 (10) mydriatics.

11 (d) An applicant for a license endorsement under (a) of this
12 section shall furnish transcript credits or other evidence acceptable
13 to the board, showing that (1) the applicant has completed not less
14 than 200 hours of didactic instruction, practical training and super-
15 vised experience devoted exclusively to the subjects specified in this
16 subsection; (2) the instruction, training, and supervised experience
17 was given by an accredited school or college of optometry or medicine;
18 and (3) the applicant has passed written and practical examinations in
19 these subjects. The required subjects are general and ocular pharma-
20 cology, review of ocular pathology and differential diagnosis, and
21 treatment of pathology of the eye and its adnexa, including the use of
22 legend drugs.

23 (e) An endorsement under (a) of this section shall expire with
24 the license to which it attaches and may be renewed upon evidence of
25 satisfactory completion of a continuing education program specified by
26 regulation of the board for holders of an endorsement.

27 * Sec. 5. AS 08.72.300 is amended to read:

28 Sec. 08.72.300. DEFINITIONS. In [AS USED IN] this chapter

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

1 (2) [(6)] "department" means the Department of Commerce and
2 Economic Development; [.]

3 (3) "legend drugs" means drugs whose containers must bear a
4 label prohibiting dispensing without a prescription;

5 (4) "lenses" means conventional or contact lenses;

6 (5) [(2)] "optometry" is the examination [, OTHER THAN BY
7 THE USE OF DRUGS,] of the human eyes and the visual system for the
8 purpose of ascertaining a departure from the normal, ascertaining the
9 status of the human visual system, including refractive and functional
10 abilities, or ascertaining the presence of ocular disease and any
11 other departure from the normal that [WHICH] requires referral to
12 other health care practitioners; or the diagnosis of an optical defi-
13 ciency or deformity, visual or muscular anomaly of the human eye; or
14 the diagnosis and treatment, including the use of drugs but excluding
15 the use of surgery, of inflammations, infections, and injuries of the
16 eyes and eyelids; [,] or the prescription or application of lenses,
17 prisms or ocular exercises for the correction or relief of the human
18 eye;

19 (6) [(3)] "practicing optometry" is an examination [, OTHER
20 THAN BY THE USE OF DRUGS,] of the human eyes and visual system for the
21 purpose of ascertaining a departure from the normal, ascertaining the
22 status of the human visual system, including refractive and functional
23 abilities, or ascertaining the presence of ocular disease and any
24 other departure from the normal that [WHICH] requires referral to
25 other health care practitioners; or the diagnosis of an optical defi-
26 ciency or deformity, visual or muscular anomaly of the human eye; or
27 the diagnosis and treatment, including the use of drugs but excluding
28 the use of surgery, of inflammations, infections and injuries of the
29 eyes and eyelids; [,] or the prescription or application of lenses,

1 prisms or ocular exercises for the correction or relief of the human
2 eye; [,] or the holding of oneself out as being able to do so;
3 (7) [(5)] "recognized school or college of optometry" is
4 one which is approved by the American Optometric Association or one of
5 its committees. [;]