

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO. 291

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the practice of optometry."

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

8 * Section 1. AS 08.72 is amended by adding a new section to read:

9 Sec. 08.72.175. LICENSE ENDORSEMENT. The board may issue a
10 license endorsement authorizing a licensee who completes an examina-
11 tion and other requirements established by the board by regulation to
12 administer drugs, except as prohibited under AS 08.72.272. The
13 endorsement expires at the same time as the license to which it
14 attaches. The endorsement may be renewed upon satisfactory completion
15 of continuing education requirements established by the board by
16 regulation.

17 * Sec. 2. AS 08.72.240 is amended to read:

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

21 (1) secured a license through deceit, fraud, or intentional
22 misrepresentation;

23 (2) engaged in deceit, fraud, or intentional misrepresenta-
24 tion in the course of providing professional services or engaging in
25 professional activities;

26 (3) advertised professional services in a false or mislead-
27 ing manner;

28 (4) has been convicted of a felony or other crime which
29 affects the licensee's ability to continue to practice competently and

1 safely;

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

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

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

9 (A) professional incompetence;

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

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

14 (D) physical or mental disability;

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

17 (9) failed to refer a patient to a physician [THE APPROPRI-
18 ATE HEALTH CARE PRACTITIONER] after ascertaining the [POSSIBLE] pres-
19 ence of ocular or systemic conditions requiring management by a physi-
20 cian [DISEASE].

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

23 Sec. 08.72.272. USE OF DRUGS. A licensee may not use a drug in
24 the practice of optometry unless

25 (1) the drug is

26 (A) a nonprescription drug;

27 (B) a drug, used for examination purposes only, within
28 the categories of

29 (i) topically applied ocular anesthetics, but not

1 including cocaine;

2 (ii) cycloplegics or mydriatics, but not including
3 atropine, homatropine, scopolamine, epinephrine, and 10
4 percent phenylephrine; or

5 (C) a drug, within the category of miotics used, after
6 consultation with an ophthalmologist, for the treatment of an
7 inadvertently induced angle closure; and

8 (2) the person holds a license endorsement issued by the
9 board authorizing the use of drugs.

10 * Sec. 4. AS 08.72.300 is repealed and reenacted to read:

11 Sec. 08.72.300. DEFINITIONS. In this chapter

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

13 (2) "department" means the Department of Commerce and
14 Economic Development;

15 (3) "optometry" means the examination, diagnosis, and
16 treatment of conditions of the human eyes and visual system, other
17 than by use of laser, x-rays, surgery, or drugs prohibited under
18 AS 08.72.272; "optometry" includes the employment of methods that a
19 person licensed under this chapter is educationally qualified to use,
20 as established by the board;

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

23 (5) "recognized school or college of optometry" means a
24 school or college approved by the American Optometric Association or a
25 committee of the American Optometric Association.