

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 291 (HESS)

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 regulation of optometry."

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

8 * Section 1. AS 08.72.160(a) is amended to read:

9 (a) The examination shall be written, practical, and oral in
10 nature. The [NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION,
11 PARTS 1 AND 2, SHALL COMPRISE THE] written portion of the Alaska
12 examination shall consist of all or part of a national or internation-
13 al examination designated by regulation by the board. The oral por-
14 tion of the examination shall be recorded and retained for two years.

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

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

20 * Sec. 3. AS 08.72.160(d) is amended to read:

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

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

25 Sec. 08.72.175. LICENSE ENDORSEMENT. The board may issue a
26 license endorsement authorizing a licensee who completes an examina-
27 tion and other requirements established by the board by regulation to
28 administer drugs, except as prohibited under AS 08.72.272. The en-
29 dorsement expires at the same time as the license to which it

1 attaches. The endorsement may be renewed upon satisfactory completion
2 of continuing education requirements established by the board by
3 regulation.

4 * Sec. 5. AS 08.72.240 is amended to read:

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

8 (1) secured a license through deceit, fraud, or intentional
9 misrepresentation;

10 (2) engaged in deceit, fraud, or intentional misrepresenta-
11 tion in the course of providing professional services or engaging in
12 professional activities;

13 (3) advertised professional services in a false or mislead-
14 ing manner;

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

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

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

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

25 (A) professional incompetence;

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

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

- 1 (D) physical or mental disability;
- 2 (8) engaged in lewd or immoral conduct in connection with
3 the delivery of professional service to patients;
- 4 (9) failed to refer a patient to a physician [THE APPROPRI-
5 ATE HEALTH CARE PRACTITIONER] after ascertaining the [POSSIBLE] pres-
6 ence of ocular or systemic conditions requiring management by a physi-
7 cian [DISEASE].

8 * Sec. 6. AS 08.72 is amended by adding new sections to article 3 to
9 read:

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

12 (1) the drug is

13 (A) a nonprescription drug;

14 (B) a drug, used for examination purposes only, within
15 the categories of

16 (i) topically applied ocular anesthetics, but not
17 including cocaine;

18 (ii) cycloplegics or mydriatics, but not including
19 atropine, homatropine, scopolamine, epinephrine, and 10
20 percent phenylephrine; or

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

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

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

29 * Sec. 7. AS 08.72.300 is repealed and reenacted to read:

1 Sec. 08.72.300. DEFINITIONS. In this chapter

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

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

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

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

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

16 * Sec. 8. AS 08.72.160(b) is repealed.