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Referred: Rules

5-0946B

Original sponsor: Health, Education and
Social Services Committee

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 226 (L&C)

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 08.72.160(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 inter-
13 national examination designated by regulation by the board. The oral
14 portion of the examination shall be recorded and retained for two
15 years.

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

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

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

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

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

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

1 endorsement expires at the same time as the license to which it at-
2 taches. The endorsement may be renewed upon satisfactory completion
3 of continuing education requirements established by the board by
4 regulation.

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

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

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

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

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

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

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

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

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

26 (A) professional incompetence;

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

29 (C) addiction or severe dependency on alcohol or other

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

9 * Sec. 6. AS 08.72 is amended by adding a new section to article 3 to
10 read:

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

- 13 (1) the drug is
14 (A) a nonprescription drug;
15 (B) a drug, used for examination purposes only, within
16 the categories of
17 (i) topically applied ocular anesthetics, but not
18 including cocaine;
19 (ii) cycloplegics or mydriatics, but not including
20 atropine, homatropine, scopolamine, epinephrine, and 10
21 percent phenylephrine; or
22 (C) a drug, within the category of miotics used, after
23 consultation with an ophthalmologist, for the treatment of an
24 inadvertently induced angle closure; and
25 (2) the person holds a license endorsement issued by the
26 board authorizing the use of drugs.

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

28 Sec. 08.72.300. DEFINITIONS. In this chapter

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

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

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

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

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

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