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Referred: Rules

5-0946X

Original sponsor: Health, Education and  
Social Services Committee

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 226 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND 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. FINDINGS AND INTENT. (a) The legislature finds that

9 (1) the scope of practice of optometry is a matter affecting the  
10 public health, safety, and welfare;

11 (2) expansion of the scope of practice of optometry to include  
12 the use of certain pharmaceutical agents will enhance the breadth and  
13 quality of professional optometric services available in the state; and

14 (3) a high degree of public trust is bestowed upon licensed  
15 optometrists who qualify to use pharmaceutical agents and that these op-  
16 tometrists should reward this trust by exercising great care in the use of  
17 pharmaceutical agents.

18 (b) It is the intent of the legislature that optometrists

19 (1) abide by the scope of practice of optometry as provided by  
20 law;

21 (2) not treat ocular diseases or disorders except as provided by  
22 law; and

23 (3) refer patients with ocular diseases or disorders to appro-  
24 priate health care providers.

25 \* Sec. 2. AS 08.72.160(a) is amended to read:

26 (a) The examination shall be written, practical, and oral in  
27 nature. The [NATIONAL BOARD OF EXAMINERS IN OPTOMETRY EXAMINATION,  
28 PARTS 1 AND 2, SHALL COMPRISE THE] written portion of the Alaska  
29 examination shall consist of all or part of a national or inter-

1 national examination designated by regulation by the board. The oral  
2 portion of the examination shall be recorded and retained for two  
3 years.

4 \* Sec. 3. AS 08.72.160(c) is amended to read:

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

9 \* Sec. 4. AS 08.72.160(d) is amended to read:

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

13 \* Sec. 5. AS 08.72 is amended by adding a new section to read:

14 Sec. 08.72.175. LICENSE ENDORSEMENT. (a) The board may issue a  
15 license endorsement authorizing a licensee to use the pharmaceutical  
16 agents described in AS 08.72.272, if the licensee or applicant for a  
17 license passes the written and practical portions of an examination on  
18 ocular pharmacology, approved by the board, that tests the licensee's  
19 or the applicant's knowledge of the characteristics, pharmacological  
20 effects, indications, contraindications, and emergency care associated  
21 with the use of pharmaceutical agents. The endorsement expires at the  
22 same time as the license to which it attaches. The endorsement may be  
23 renewed upon satisfactory completion of continuing education require-  
24 ments established by the board by regulation.

25 (b) A pharmacist or pharmaceutical supplier may supply a li-  
26 censee with pharmaceutical agents as provided under AS 08.72.272 upon  
27 presentation of evidence that the licensee holds a license endorsement  
28 under this section.

29 \* Sec. 6. AS 08.72.240 is amended to read:

1           Sec. 08.72.240. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
2 TIONS. The board may impose disciplinary sanctions when the board  
3 finds after a hearing that a licensee  
4           (1) secured a license through deceit, fraud, or intentional  
5 misrepresentation;  
6           (2) engaged in deceit, fraud, or intentional misrepresenta-  
7 tion in the course of providing professional services or engaging in  
8 professional activities;  
9           (3) advertised professional services in a false or mislead-  
10 ing manner;  
11           (4) has been convicted of a felony or other crime which  
12 affects the licensee's ability to continue to practice competently and  
13 safely;  
14           (5) intentionally or negligently engaged in or permitted  
15 the performance of patient care by persons under the licensee's super-  
16 vision which does not conform to minimum professional standards re-  
17 gardless of whether actual injury to the patient occurred;  
18           (6) failed to comply with this chapter, with a regulation  
19 adopted under this chapter, or with an order of the board;  
20           (7) continued to practice after becoming unfit due to  
21           (A) professional incompetence;  
22           (B) failure to keep informed of or use current profes-  
23 sional theories or practices;  
24           (C) addiction or severe dependency on alcohol or other  
25 drugs which impairs the licensee's ability to practice safely;  
26           (D) physical or mental disability;  
27           (8) engaged in lewd or immoral conduct in connection with  
28 the delivery of professional service to patients;  
29           (9) failed to refer a patient to a physician [THE

1        APPROPRIATE HEALTH CARE PRACTITIONER] after ascertaining the [POSSI-  
2        BLE] presence of ocular or systemic conditions requiring management by  
3        a physician [DISEASE].

4        \* Sec. 7. AS 08.72 is amended by adding new sections to article 3 to  
5        read:

6                Sec. 08.72.272. USE OF PHARMACEUTICAL AGENTS. (a) A licensee  
7        may use a pharmaceutical agent in the practice of optometry if

8                (1) the pharmaceutical agent is

9                        (A) a drug, used for examination purposes only, within  
10        the categories of

11                        (i) topically applied ocular anesthetics, but not  
12        including cocaine;

13                        (ii) cycloplegics or mydriatics, but not including  
14        atropine, homatropine, scopolamine, epinephrine, and 10  
15        percent phenylephrine; or

16                        (B) a drug, within the category of miotics used, after  
17        consultation with an ophthalmologist, for the treatment of an  
18        inadvertently induced angle closure; and

19                (2) the person holds a license endorsement issued by the  
20        board authorizing the use of pharmaceutical agents.

21                (b) Except as provided in (a) of this section, a licensee may  
22        not use pharmaceutical agents for treatment of an eye disease or  
23        disorder or for any other therapeutic purpose.

24                (c) A licensee may not purchase, possess, or administer a phar-  
25        maceutical agent unless the licensee has obtained a license endorse-  
26        ment under AS 08.72.175.

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

1 \* Sec. 8. AS 08.72.300 is repealed and reenacted to read:

2 Sec. 08.72.300. DEFINITIONS. In this chapter

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

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

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

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

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

17 \* Sec. 9. AS 08.72.160(b) is repealed.