

CS FOR HOUSE BILL NO. 103(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/15/17

Referred: Rules

Sponsor(s): REPRESENTATIVES SPOHNHOLZ, Kito

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of optometry; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 08.72.050 is amended to read:

4 **Sec. 08.72.050. Regulations.** The board shall adopt regulations

5 (1) necessary for the proper performances of its duties;

6 (2) governing the applicants and applications for licensing;

7 (3) for the licensing of optometrists;

8 (4) necessary to govern the practice of optometry, including the
9 prescription and use of pharmaceutical agents for the treatment of eye disease;

10 (5) prescribing requirements that a person licensed under this chapter
11 must meet to demonstrate continued professional competency;

12 (6) developing uniform standards for the practice of optometry.

13 * **Sec. 2.** AS 08.72.060(c), as amended by sec. 11, ch. 25, SLA 2016, is amended to read:

14 (c) The board shall

15 (1) elect a chair and secretary from among its members;

1 (2) order a licensee to submit to a reasonable physical examination if
2 the licensee's physical capacity to practice safely is at issue;

3 (3) require that a licensee who has a federal Drug Enforcement
4 Administration registration number register with the controlled substance prescription
5 database under AS 17.30.200(o);

6 **(4) publish advisory opinions regarding whether optometry**
7 **practice procedures or policies comply with acceptable standards of the practice**
8 **of optometry, as provided under this chapter.**

9 * **Sec. 3.** AS 08.72.181(d) is amended to read:

10 (d) Before a license may be renewed, the licensee shall submit to the board
11 evidence that, **during the preceding licensing period** [IN THE FOUR YEARS
12 PRECEDING THE APPLICATION FOR RENEWAL], the licensee has

13 [(1) COMPLETED EIGHT HOURS OF CONTINUING
14 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE USE AND
15 PRESCRIPTION OF PHARMACEUTICAL AGENTS;

16 (2) COMPLETED SEVEN HOURS OF CONTINUING
17 EDUCATION, APPROVED BY THE BOARD, CONCERNING THE INJECTION
18 OF NONTOPICAL THERAPEUTIC PHARMACEUTICAL AGENTS; AND

19 (3)] met [OTHER] continuing education requirements as may be
20 prescribed by regulations of the board to ensure the continued protection of the public.

21 * **Sec. 4.** AS 08.72.272(a) is repealed and reenacted to read:

22 (a) A licensee may prescribe and use a pharmaceutical agent, including a
23 controlled substance, in the practice of optometry if the pharmaceutical agent is used
24 in a manner consistent with standards adopted by the board in regulation; the standards
25 must include limitations on practice adopted under AS 08.72.278.

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

27 **Sec. 08.72.278. Limitation on practice.** (a) A licensee may perform the
28 services of optometry as defined in AS 08.72.300 only if the services are within the
29 scope of the licensee's education, training, and experience as established by
30 regulations adopted by the board.

31 (b) A licensee may not perform ophthalmic surgery unless the procedure is

1 (1) within the scope of the licensee's education and training from an
2 accredited school of optometry; and

3 (2) authorized by regulations adopted by the board.

4 (c) In this section, "ophthalmic surgery" means an invasive procedure in
5 which human tissue is cut, ablated, or otherwise penetrated by incision, laser, or other
6 means to treat diseases of the human eye, alter or correct refractive error, or alter or
7 enhance cosmetic appearance; "ophthalmic surgery" does not include the procedure
8 described under AS 08.72.273.

9 * **Sec. 6.** AS 08.72.300(3) is repealed and reenacted to read:

10 (3) "optometry" means the examination, evaluation, diagnosis,
11 treatment, or performance of preventive procedures related to diseases, disorders, or
12 conditions of the human eyes or adjacent and associated structures, consistent with this
13 chapter and regulations adopted by the board;

14 * **Sec. 7.** Section 2 of this Act takes effect July 17, 2017.