

SENATE BILL NO. 193

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

Introduced: 4/17/09

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure as an optometrist; establishing a retired status optometrist
2 license; and providing for an effective date."

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

4 * **Section 1.** AS 08.72.140 is amended to read:

5 **Sec. 08.72.140. Qualifications for licensure [EXAMINATION]. An**
6 **applicant for licensure as an optometrist**

7 **(1) shall be** [THE BOARD SHALL ADMIT TO THE
8 EXAMINATION A PERSON WHO FURNISHES PROOF THAT THE PERSON
9 (1) HAS HAD EDUCATION EQUIVALENT TO FOUR YEARS
10 ATTENDANCE AT A STATE HIGH SCHOOL;

11 (2) IS] a graduate of a [RECOGNIZED] school or college of
12 optometry **recognized by the board;**

13 **(2) may not have** [(3) HAS NOT] committed an act in any jurisdiction
14 that would have constituted a violation of this chapter or regulations adopted under

1 this chapter at the time the act was committed;

2 (3) may not have [(4) HAS NOT] been disciplined by an optometry
3 licensing entity in another jurisdiction and [IS] not be the subject of a pending
4 disciplinary proceeding conducted by an optometry licensing entity in another
5 jurisdiction; however, the board may consider the disciplinary action and, in the
6 board's discretion, determine if the person is qualified for licensure;

7 (4) shall have successfully completed

8 (A) the written and practical portions of an examination on
9 ocular pharmacology approved by the board that tests the licensee's or
10 applicant's knowledge of the characteristics, pharmacological effects,
11 indications, contraindications, and emergency care associated with the
12 prescription and use of pharmaceutical agents;

13 (B) a nontopical therapeutic pharmaceutical agent course
14 of at least 23 hours approved by the board or an examination approved by
15 the board on the treatment and management of ocular disease; and

16 (C) an optometry and nontopical therapeutic
17 pharmaceutical agent injection course of at least seven hours approved by
18 the board or equivalent training acceptable to the board; and

19 (5) shall meet other qualifications for licensure as established
20 under this chapter and regulations adopted by the board under AS 08.72.050 [TO
21 BE ADMITTED TO THE EXAMINATION].

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

23 (c) An applicant who fails [A PORTION OF] the examination may retake the
24 examination [TAKE A REEXAMINATION IN THE PORTION FAILED] upon
25 payment of a [REEXAMINATION] fee established under AS 08.01.065.

26 * **Sec. 3.** AS 08.72.170 is amended to read:

27 **Sec. 08.72.170. Licensure by credentials.** The board shall issue a license by
28 credentials to an applicant who

29 (1) [HAS HAD EDUCATION EQUIVALENT TO FOUR YEARS OF
30 ATTENDANCE AT A STATE HIGH SCHOOL;

31 (2)] is a graduate of a [RECOGNIZED] school or college of optometry

recognized by the board;

(2) [(3)] has passed a written examination approved by the board that is designed to test the applicant's knowledge of the laws of Alaska governing the practice of optometry and the regulations adopted under those laws;

(3) [(4)] holds a current license to practice optometry in another state or territory of the United States or in a province of Canada **that has licensure requirements that the board determines are equivalent to those established under this chapter;**

(4) [(5)] at some time in the past, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the person to **have passed the National Board of Examiners in Optometry examination to qualify for licensure** [SUCCESSFULLY COMPLETE AN EXAMINATION IN OPTOMETRY];

(5) [(6)] was engaged in the active licensed clinical practice of optometry in a state or territory of the United States or in a province of Canada for at least 3,120 hours during the 36 months preceding the date of application under this section;

(6) [(7)] has not committed an act in any jurisdiction that would have constituted a violation of this chapter or regulations adopted under this chapter at the time the act was committed; and

(7) [(8)] has not been disciplined by an optometry licensing entity in another jurisdiction and is not the subject of a pending disciplinary proceeding conducted by an optometry licensing entity in another jurisdiction; however, the board may consider the disciplinary action and, in the board's discretion, determine if the person is qualified for licensure.

* **Sec. 4.** AS 08.72.181(d) is amended to read:

(d) Before a license may be renewed, the licensee shall submit to the board evidence **that in the four years preceding the application for renewal the licensee has**

(1) completed eight hours of continuing education, approved by the board, concerning the use and prescription of pharmaceutical agents;

1 **(2) completed seven hours of continuing education, approved by**
 2 **the board, concerning the injection of nontopical therapeutic pharmaceutical**
 3 **agents; and**

4 **(3) met other** [OF POSTGRADUATE] continuing education
 5 **requirements** [INSTRUCTION] as **may be** prescribed by regulations of the board **to**
 6 **ensure the continued protection of the public.**

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

8 **Sec. 08.72.185. Retired license status.** (a) On retiring from practice and on
 9 payment of an appropriate one-time fee, a licensee in good standing with the board
 10 may apply for the conversion of an active or inactive license to a retired status license.
 11 A person holding a retired status license may not practice optometry in the state. A
 12 retired status license is valid for the life of the license holder and does not require
 13 renewal. A person holding a retired status license is exempt from license renewal
 14 requirements of AS 08.72.181.

15 (b) A person with a retired status license may apply for active licensure.
 16 Before issuing an active license under this subsection, the board may require the
 17 applicant to meet reasonable criteria, as determined under regulations of the board.

18 * **Sec. 6.** AS 08.72.272(a) is amended to read:

19 (a) A licensee [WITH AN ENDORSEMENT ISSUED UNDER
 20 AS 08.72.175(a)] may prescribe and use a pharmaceutical agent, including a
 21 controlled substance, in the practice of optometry if

22 (1) the pharmaceutical agent

23 (A) is prescribed and used for the treatment of ocular disease or
 24 conditions, ocular adnexal disease or conditions, or emergency anaphylaxis;

25 (B) is not a schedule IA, IIA, or VIA controlled substance;

26 (C) is prescribed in a quantity that does not exceed four days of
 27 prescribed use if it is a controlled substance;

28 (D) is not injected into the ocular globe of the eye; and

29 (E) is not a derivative of clostridium botulinum; and

30 (2) the licensee

31 (A) has a physician-patient relationship, as defined by the

board in regulations adopted under this chapter, with the person to whom the pharmaceutical agent is prescribed; and

(B) has on file with the department the licensee's current federal Drug Enforcement Administration registration number that is valid for the controlled substance prescribed or used.

* **Sec. 7.** AS 08.72.160(d), 08.72.175, 08.72.272(b), and 08.72.272(c) are repealed.

* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS AFFECTING EXISTING LICENSEES. (a) A license issued under AS 08.72.150 by the Board of Examiners in Optometry before the effective date of this Act is valid for

(1) the scope of practice authorized for that license when issued; and

(2) the period issued.

(b) A licensee holding a license issued before the effective date of this Act who does not have a license endorsement issued under AS 08.72.175(a), as it read on the day before the effective date of this Act, may apply to the Board of Examiners in Optometry for a restricted license.

(c) The Board of Examiners in Optometry may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry except for use of a drug topically applied to the human eye and its appendages as permitted under former AS 08.72.175(c) and former AS 08.72.272(c), to an optometrist who has a license issued before the effective date of this Act and a license endorsement issued under AS 08.72.175(c), as it read on the day before the effective date of this Act.

(d) The Board of Examiners in Optometry may issue a restricted license, restricting the optometrist from prescribing or using a pharmaceutical agent in the practice of optometry, to an optometrist who has a license issued before the effective date of this Act but does not have a license endorsement issued before the effective date of this Act.

(e) A restricted license issued under (c) or (d) of this section may be renewed under the same conditions that apply to other licenses issued under AS 08.72, except that

(1) the holder of a restricted license under (d) of this section is not required to comply with the continuing education requirements of AS 08.72.181(d)(1) and (2);

1 (2) the holder of a restricted license under (c) of this section is not required to
2 comply with the continuing education requirements of AS 08.72.181(d)(2), and is only
3 required to comply with AS 08.72.181(d)(1) to the extent specified by the Board of
4 Examiners in Optometry in regulation.

5 (f) The Board of Examiners in Optometry may remove the restrictions on a license
6 issued under this section if the licensee has met the requirements of AS 08.72.140(4), as
7 added by sec. 1 of this Act.

8 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 REVISOR INSTRUCTION. In the section heading for AS 08.72.272, the revisor of
11 statutes shall substitute "Prescription and use of pharmaceutical agents" for "Pharmaceutical
12 agents."

13 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).