



## 2023 South Dakota Legislature

# Senate Bill 87

Introduced by: **Senator Davis**

1 **An Act to establish educational standards for the expanded practice of optometry.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 36-7-1 be AMENDED:**

4 **36-7-1.** The practice of optometry is declared to be a profession and is defined as:

5 (1) The examination of the human eye and its appendages, ~~and the;~~

6 (2) The employment of any means for the measurement of the powers of visions, or  
 7 any visual, muscular, neurological, interpretative, or anatomical anomalies of the  
 8 visual processes, ~~and the;~~

9 (3) The prescribing or employment of lenses, prisms, frames, mountings, and visual  
 10 training procedure, ~~the procedures;~~

11 (4) The prescribing or administration, ~~except by injection~~ of pharmaceutical agents  
 12 rational to the diagnosis and treatment of the human eye and its appendages, ~~and~~  
 13 any other;

14 (5) Other means or ~~method~~ methods for the correction, remedy, or relief of any  
 15 insufficiencies or abnormal conditions of the visual processes of the human eye and  
 16 its appendages ~~except surgery. However, an optometrist may remove;~~

17 (6) The removal of superficial foreign bodies from the eye. ~~The prescription;~~

18 (7) The prescribing of contact lenses, except by a ~~practitioner~~ physician licensed under  
 19 chapter 36-4, ~~constitutes the practice of optometry. An optometrist is one who~~  
 20 practices optometry under the provisions of this chapter; and

21 (8) Any of the following procedures, subject to the provisions of section 2 of this Act:

22 (a) Debridement of corneal epithelium;

23 (b) Removal of corneal epithelium;

24 (c) Injections for the treatment of conditions or diseases of the eye or eyelid,  
 25 excluding intraocular injections penetrating the globe;

- 1            (d) The use of a local anesthetic in conjunction with the primary treatment of  
 2            an eyelid lesion;
- 3            (e) Removal and biopsy of eyelid lesions without characteristics or obvious  
 4            signs of malignancy, excluding lesions involving the eyelid margin or larger  
 5            than five millimeters in size;
- 6            (f) Incision and curettage of a chalazion;
- 7            (g) Simple repair of an eyelid laceration no larger than two and one-half  
 8            centimeters and no deeper than the orbicularis muscle and not involving  
 9            the eyelid margin or lacrimal drainage structures;
- 10           (h) Corneal cross-linking; and
- 11           (i) Laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty.  
 12           Any procedure authorized by this section and undertaken by a licensed optometrist,  
 13           in accordance with this chapter, does not constitute the practice of medicine for purposes  
 14           of chapter 36-4.

15           **Section 2. That chapter 36-7 be amended with a NEW SECTION:**

- 16           Before an optometrist may perform any procedure listed in subdivision 36-7-1(8),  
 17           the optometrist shall apply for authorization, in the manner prescribed by the board. The  
 18           board shall authorize the performance of the procedures if the optometrist:
- 19           (1) Received a passing score on the laser and surgical procedures examination offered  
 20           by the National Board of Examiners in Optometry; or
- 21           (2) Satisfactorily completed a training session approved by the board and proctored  
 22           by an optometrist or an ophthalmologist authorized to perform the procedure in  
 23           this or any other state.

24           **Section 3. That § 36-7-24 be AMENDED:**

- 25           **36-7-24.** The board may, in compliance with chapter 1-26, ~~may~~ impose disciplinary  
 26           sanctions ~~against any on an~~ optometrist for the following causes:
- 27           (1) Conviction of a felony, ~~as shown by a certified copy of the record of the court of~~  
 28           ~~conviction;~~
- 29           (2) Obtaining, or attempting to obtain, a license by fraudulent misrepresentation;
- 30           (3) Malpractice;
- 31           (4) Continued practice when knowingly having an infectious or contagious disease, or  
 32           after sustaining a physical or mental disability that renders further practice  
 33           potentially harmful or dangerous;

- 1 (5) Use of alcohol or other substances that renders the optometrist unfit to practice  
2 with reasonable skill and safety;
- 3 (6) Engaging in any procedure listed in subdivision 36-7-1(8), prior to meeting the  
4 requirements set forth in section 2 of this Act;
- 5 (7) Unprofessional conduct, as defined in § 36-7-25; or
- 6 ~~(7)(8)~~ Failure to submit to or cooperate with ~~the a~~ criminal background investigation  
7 check requested by the board under § 36-7-12.2.

8 **Section 4. That § 36-7-1.2 be REPEALED:**

9 ~~No optometrist may prescribe, administer, or dispense any oral therapeutic agent~~  
10 ~~to any child under twelve years of age, or any oral steroid to any person, without prior~~  
11 ~~consultation with a physician licensed pursuant to chapter 36-4.~~