

**OPTOMETRIST PRACTICE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill allows an optometrist to perform certain laser procedures.

**Highlighted Provisions:**

This bill:

- ▶ creates a certification for an optometrist to perform certain laser procedures;
- ▶ requires an optometrist to obtain training to obtain the certification;
- ▶ requires a certified optometrist to comply with reporting requirements and other standards;
- ▶ requires the Office of Professional Licensure Review to make a recommendation after reviewing outcome data on whether optometrists should continue performing the laser procedures; and
- ▶ creates a sunset date.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 58-16a-102**, as last amended by Laws of Utah 2020, Chapter 339
- 58-16a-501**, as last amended by Laws of Utah 2020, Chapter 339



28 **58-16a-502**, as last amended by Laws of Utah 2020, Chapter 25  
29 **58-16a-601**, as last amended by Laws of Utah 2017, Chapter 292  
30 **63I-1-258**, as last amended by Laws of Utah 2023, Chapter 303

31 ENACTS:

32 **58-16a-602**, Utah Code Annotated 1953

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **58-16a-102** is amended to read:

36 **58-16a-102. Definitions.**

37 In addition to the definitions in Section **58-1-102**, as used in this chapter:

38 (1) "Board" means the Optometrist Licensing Board created in Section **58-16a-201**.

39 (2) "Contact lens" means any lens that:

40 (a) has a spherical, cylindrical, or prismatic power or curvature;

41 (b) is made pursuant to a current prescription; and

42 (c) is intended to be worn on the surface of the eye.

43 (3) (a) "Contact lens prescription" means a written or verbal order for contact lenses

44 that includes:

45 (i) the commencement date of the prescription;

46 (ii) the base curve, power, diameter, material or brand name, and expiration date;

47 (iii) for a written order, the signature of the prescribing optometrist or physician; and

48 (iv) for a verbal order, a record maintained by the recipient of:

49 (A) the name of the prescribing optometrist or physician; and

50 (B) the date when the prescription was issued or ordered.

51 (b) A prescription may include:

52 (i) a limit on the quantity of lenses that may be ordered under the prescription if

53 required for medical reasons documented in the patient's files; and

54 (ii) the expiration date of the prescription, which shall be two years from the

55 commencement date, unless documented medical reasons require otherwise.

56 (c) When a provider prescribes a private label contact lens for a patient the prescription

57 shall include:

58 (i) the name of the manufacturer;

- 59 (ii) the trade name of the private label brand; and  
60 (iii) if applicable, the trade name of the equivalent national brand.
- 61 (4) "Contact lens prescription verification" means a written request from a person who  
62 sells or provides contact lenses that:
- 63 (a) is sent to the prescribing optometrist or physician; and  
64 (b) seeks the confirmation of the accuracy of a patient's prescription.
- 65 (5) "Eye and its adnexa" means the human eye and all structures situated within the  
66 orbit, including the conjunctiva, lids, lashes, and lacrimal system.
- 67 (6) "Fitting of a contact lens" means:
- 68 (a) the using of a keratometer to measure the human eye;  
69 (b) utilizing refractive data provided by a licensed optometrist or ophthalmologist; and  
70 (c) trial fitting of contact lenses, which includes a period of time for evaluation for fit  
71 and performance, to determine a tentative contact lens prescription for a patient if the patient:
- 72 (i) has not worn contact lenses before; or  
73 (ii) has changed to a different type or base curve.
- 74 (7) "Laser surgery" means surgery in which human tissue is cut, burned, or vaporized  
75 by means of laser or ionizing radiation.
- 76 (8) "Ophthalmic lens" means any lens used to treat the eye and that:
- 77 (a) has a spherical, cylindrical, or prismatic power;  
78 (b) is made pursuant to an unexpired prescription; and  
79 (c) is intended to be used in eyeglasses or spectacles.
- 80 (9) "Optometric assistant" means an unlicensed individual:
- 81 (a) working under the direct and immediate supervision of a licensed optometrist; and  
82 (b) engaged in specific tasks assigned by the licensed optometrist in accordance with  
83 the standards and ethics of the profession.
- 84 (10) "Optometrist" or "optometric physician" means an individual licensed under this  
85 chapter.
- 86 (11) "Optometry" and "practice of optometry" mean any one or any combination of the  
87 following practices:
- 88 (a) examination of the human eye and its adnexa to detect and diagnose defects or  
89 abnormal conditions;

90 (b) determination or modification of the accommodative or refractive state of the  
91 human eye or its range or power of vision by administration and prescription of pharmaceutical  
92 agents or the use of diagnostic instruments;

93 (c) prescription, ordering, administration, or adaptation of ophthalmic lenses, contact  
94 lenses, ophthalmic devices, pharmaceutical agents, laboratory tests, or ocular exercises to  
95 diagnose and treat diseases, defects, or other abnormal conditions of the human eye and its  
96 adnexa;

97 (d) display of any advertisement, circular, sign, or device offering to:

98 (i) examine the eyes;

99 (ii) fit glasses or contact lenses; or

100 (iii) adjust frames;

101 (e) removal of a foreign body from the eye or its adnexa, that is not deeper than the  
102 anterior 1/2 of the cornea; [and]

103 (f) consultation regarding the eye and its adnexa with other appropriate health care  
104 providers, including referral to other appropriate health care providers[-]; and

105 (g) performing a procedure that is described in Section [58-16a-602](#).

106 (12) "Pharmaceutical agent" means any diagnostic or therapeutic drug or combination  
107 of drugs that has the property of assisting in the diagnosis, prevention, treatment, or mitigation  
108 of abnormal conditions or symptoms of the eye and its adnexa.

109 (13) "Physician" has the same meaning as defined in Sections [58-67-102](#) and  
110 [58-68-102](#).

111 (14) "Prescription drug" has the same definition as in Section [58-17b-102](#).

112 (15) "Unexpired" means a prescription that was issued:

113 (a) for ophthalmic lenses which does not expire unless the optometrist or physician  
114 includes an expiration date on the prescription based on medical reasons that are documented  
115 in the patient's file; and

116 (b) in accordance with Subsection (3) for a contact lens.

117 Section 2. Section **58-16a-501** is amended to read:

118 **58-16a-501. Unlawful conduct.**

119 "Unlawful conduct" includes, in addition to the definition in Section [58-1-501](#):

120 (1) buying, selling, or fraudulently obtaining, any optometry diploma, license,

121 certificate, or registration;

122 (2) selling or providing contact lenses or ophthalmic lenses in a manner inconsistent  
123 with Section [58-16a-801](#) or intentionally altering a prescription unless the person selling or  
124 providing the lenses is a licensed optometrist or ophthalmologist; [or]

125 (3) representing oneself as or using the title of "optometrist," "optometric physician,"  
126 "doctor of optometry," or "O.D.," unless currently licensed under this chapter[-]; or

127 (4) performing a procedure described in Section [58-16a-602](#) without obtaining the  
128 certification described in Section [58-16a-602](#).

129 Section 3. Section **58-16a-502** is amended to read:

130 **58-16a-502. Unprofessional conduct.**

131 "Unprofessional conduct" includes, in addition to the definition in Section [58-1-501](#):

132 (1) using or employing the services of an optometric assistant to assist a licensee in any  
133 manner not in accordance with:

134 (a) the generally recognized practices and standards of ethics of the profession; or

135 (b) applicable state law or division rule;

136 (2) failure to refer a patient to an appropriate licensed practitioner when:

137 (a) the patient's condition does not respond to treatment; or

138 (b) the treatment is not within the scope of competence or licensure of the licensee;

139 (3) providing confidential information regarding a patient to any third party who does  
140 not have a legal and professional ground for obtaining the information;

141 (4) knowingly prescribing, selling, giving away, or administering any prescription drug  
142 unless:

143 (a) for a legitimate medical purpose;

144 (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or  
145 provided; and

146 (c) in compliance with Section [58-17b-309](#);

147 (5) giving or receiving directly or indirectly any fee, commission, rebate, or other

148 compensation for professional services not actually and personally rendered, except as part of a  
149 legal relationship within a lawful professional partnership, corporation, or association;

150 (6) failure to transfer pertinent and necessary information from a patient's medical  
151 records to another optometrist or physician when so requested by the patient or his

152 representative, as designated in writing;

153 (7) failure to provide a contact lens prescription to a person who sells contact lenses in  
154 accordance with Section [58-16a-306](#); [or]

155 (8) falsely making an entry in, or altering, a medical record with the intent to conceal:

156 (a) a wrongful or negligent act or omission of an individual licensed under this chapter  
157 or an individual under the direction or control of an individual licensed under this chapter; or

158 (b) conduct described in Subsections (1) through (7) or Subsection [58-1-501\(1\)](#)[-]; or

159 (9) falsely reporting data required under Section [58-16a-602](#).

160 Section 4. Section **58-16a-601** is amended to read:

161 **58-16a-601. Scope of practice.**

162 (1) An optometrist may:

163 (a) provide optometric services not specifically prohibited under this chapter or  
164 division rules if the services are within the optometrist's training, skills, and scope of  
165 competence; and

166 (b) prescribe or administer pharmaceutical agents for the eye and its adnexa, including  
167 oral agents, subject to the following conditions:

168 (i) an optometrist may prescribe oral antibiotics for only eyelid related ocular  
169 conditions or diseases, and other ocular conditions or diseases specified by division rule; and

170 (ii) an optometrist may administer or prescribe a hydrocodone combination drug, or a  
171 Schedule III controlled substance, as defined in Section [58-37-4](#), only if:

172 (A) the substance is administered or prescribed for pain of the eye or adnexa;

173 (B) the substance is administered orally or topically or is prescribed for oral or topical  
174 use;

175 (C) the amount of the substance administered or prescribed does not exceed a 72-hour  
176 quantity; and

177 (D) if the substance is prescribed, the prescription does not include refills.

178 (2) An optometrist may not:

179 (a) except as provided in Section [58-16a-602](#), perform surgery, including laser surgery;

180 or

181 (b) prescribe or administer a Schedule II controlled substance, as defined in Section  
182 [58-37-4](#), except for a hydrocodone combination drug, if so scheduled and prescribed or

183 administered in accordance with Subsection (1)(b).

184 (3) For purposes of Sections 31A-22-618 and 31A-45-303, an optometrist is a health  
185 care provider.

186 Section 5. Section 58-16a-602 is enacted to read:

187 **58-16a-602. Certification for certain laser procedures.**

188 (1) As used in this section:

189 (a) "Certified optometrist" means an optometrist who has obtained a certification under  
190 this section.

191 (b) "Selective laser trabeculoplasty" means using a laser to treat glaucoma by targeting  
192 the trabecular meshwork.

193 (c) "YAG laser capsulotomy" means using a neodymium-doped yttrium aluminum  
194 garnet laser to treat opacification of the lens capsule after cataract surgery or lens replacement  
195 surgery.

196 (2) To obtain a certification to perform YAG laser capsulotomy or a certification to  
197 perform selective laser trabeculoplasty, an optometrist shall provide proof of:

198 (a) completing 32 hours of coursework on laser procedures from an accredited college  
199 or school of optometry that contains a written competency exam and a clinical competency  
200 exam;

201 (b) for the procedure in which certification is requested, performing at least five  
202 procedures under the direct supervision of a certified optometrist or an ophthalmologist; and

203 (c) establishing a relationship with an ophthalmologist.

204 (3) A certified optometrist shall:

205 (a) submit to the division all patient outcome data requested by the division under this  
206 section;

207 (b) meet continuing education requirements;

208 (c) disclose procedure risk to any patient undergoing a procedure;

209 (d) provide to the patient:

210 (i) a form with information regarding when to seek treatment from an ophthalmologist;

211 and

212 (ii) a form detailing how to file a complaint with the division regarding procedures  
213 provided by the certified optometrist;

- 214 (e) if required by the ophthalmologist described in Subsection (2)(c), notify the  
215 ophthalmologist:
- 216 (i) regarding when a procedure will take place; and  
217 (ii) of any complications that arise when performing a procedure; and  
218 (f) obtain any necessary disclosures from a patient to be able to comply with the data  
219 reporting requirements of this section.
- 220 (4) The division may:
- 221 (a) refuse to certify an optometrist under this section if the optometrist has a history of  
222 complaints or negligence;
- 223 (b) require additional information from an optometrist described in Subsection (4)(a)  
224 before issuing a certification; or
- 225 (c) revoke a certification for failing to comply with Subsection (3).
- 226 (5) The division shall:
- 227 (a) establish continuing education requirements for a certified optometrist regarding  
228 YAG laser capsulotomy and selective laser trabeculoplasty;
- 229 (b) provide data collected under this section to the Office of Professional Licensure  
230 Review in accordance with Subsection (7); and
- 231 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
232 make rules:
- 233 (i) to implement this section; and  
234 (ii) in consultation with the Office of Professional Licensure Review, to determine the  
235 data necessary for the report described in Subsection (7).
- 236 (6) (a) A certification expires on the date an optometrist's license under this chapter  
237 expires.
- 238 (b) The division shall renew a certification if the optometrist has complied with  
239 Subsection (3) and any associated rules created under this section.
- 240 (7) The Office of Professional Licensure Review shall obtain data collected by the  
241 division to issue a written report before May 1, 2028, regarding:
- 242 (a) whether the practice of optometry should include conducting YAG laser  
243 capsulotomy or selective laser trabeculoplasty;  
244 (b) whether certification is necessary; and



245 (c) if certification is necessary, improvements or modifications to the certification  
246 process or requirements.

247 Section 6. Section **63I-1-258** is amended to read:

248 **63I-1-258. Repeal dates: Title 58.**

249 (1) Section **58-3a-201**, which creates the Architects Licensing Board, is repealed July  
250 1, 2026.

251 (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
252 repealed July 1, 2026.

253 (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

254 (4) Section 58-16a-602, related to laser procedures, is repealed July 1, 2029.

255 [~~(4)~~] (5) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1,  
256 2028.

257 [~~(5)~~] (6) Subsection **58-37-6(7)(f)(iii)**, relating to the seven-day opiate supply  
258 restriction, is repealed July 1, 2032, and the Office of Legislative Research and General  
259 Counsel is authorized to renumber the remaining subsections accordingly.

260 [~~(6)~~] (7) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,  
261 2033.

262 [~~(7)~~] (8) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing  
263 Act, is repealed July 1, 2029.

264 [~~(8)~~] (9) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,  
265 2025.

266 [~~(9)~~] (10) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is  
267 repealed July 1, 2033.

268 [~~(10)~~] (11) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,  
269 2024.

270 [~~(11)~~] (12) Subsection **58-55-201(2)**, which creates the Alarm System and Security  
271 Licensing Advisory Board, is repealed July 1, 2027.

272 [~~(12)~~] (13) Subsection **58-60-405(3)**, regarding certain educational qualifications for  
273 licensure and reporting, is repealed July 1, 2032.

274 [~~(13)~~] (14) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed  
275 July 1, 2026.

276            [~~(14)~~] (15) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

277            Section 7. **Effective date.**

278            This bill takes effect on May 1, 2024.