

1 S.233

2 Introduced by Senators Clarkson and Collamore

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; health; optometrists

6 Statement of purpose of bill as introduced: This bill proposes to revise and
7 further define the scope of practice for optometrists. It would also create a
8 specialty endorsement license that would allow qualified optometrists to
9 perform certain advanced therapeutic procedures.

10 An act relating to amendments to the scope of practice for optometrists

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 26 V.S.A. § 1703 is amended to read:

13 § 1703. DEFINITIONS

14 As used in this chapter:

15 (1) “Board” means the State Board of Optometry.

16 (2)~~(A)~~ The “practice of optometry” means any one or combination of
17 the following practices:

18 ~~(A)~~~~(i)~~ Examining the human eyes and visual system for purposes of:

19 ~~(i)~~~~(I)~~ diagnosing refractive and functional ability; or

1 ~~(ii)~~(II) diagnosing the presence of eye and adnexa disease or
2 injury, treating the disease or injury with the appropriate therapeutic
3 pharmaceutical agents and procedures in accordance with this chapter, and
4 making referrals to the appropriate health care provider when warranted.

5 ~~(B)~~(ii) Diagnosing and correcting anomalies of the refractive and
6 functional ability of the visual system and the enhancement of visual
7 performance including the following:

8 ~~(i)~~(I) prescribing and using ophthalmic lenses, prisms,
9 autorefractor or other automatic testing devices, frames, ophthalmic aids, and
10 prosthetic materials as consistent with the health of the eye;

11 ~~(ii)~~(II) prescribing and employing contact lenses; and

12 ~~(iii)~~(III) administering visual training, vision therapy, orthoptics,
13 and pleoptics.

14 ~~(C)~~(iii) Prescribing and administering appropriate therapeutic
15 pharmaceutical agents, as defined in this section, for the diagnosis,
16 management, and treatment of the eye and adnexa.

17 ~~(D)~~(iv) Removing superficial foreign bodies from the eye and
18 adnexa; epilating the eyelashes, including by electrolysis; and punctal dilation,
19 lacrimal irrigation, and punctal plugs insertion.

20 ~~(E)~~(v) Managing the following types of glaucoma in patients who are
21 16 years of age or older:

1 ~~(i)~~(I) adult primary open angle glaucoma;

2 ~~(ii)~~(II) exfoliative glaucoma;

3 ~~(iii)~~(III) pigmentary glaucoma;

4 ~~(iv)~~(IV) low tension glaucoma;

5 ~~(v)~~(V) inflammatory (uveitic) glaucoma; and

6 ~~(vi)~~(VI) emergency treatment of angle closure glaucoma.

7 (vi) For an optometrist holding a specialty endorsement license

8 issued pursuant to subchapter 5 of this chapter, performing the following

9 advanced therapeutic procedures:

10 (I) surgery to remove lesions from the eye and adnexa and the
11 accompanied restoration of tissue, including only the following:

12 (aa) excision and repair of nonrecurrent chalazia;

13 (bb) excision of nonrecurrent lesions of the adnexa

14 evaluated by the optometrist to be nonmalignant, excluding any lesion

15 involving the eyelid margin, involving the lacrimal supply or drainage systems,

16 deeper than the orbicularis muscle, or larger than five millimeters in diameter;

17 (cc) closure of wounds resulting from removal of a lesion;

18 (dd) repair of an eyelid laceration not larger than 2.5

19 centimeters, not deeper than the orbicularis muscle and not involving the

20 eyelid margin or lacrimal drainage structures; and

1 (ee) corneal crosslinking procedure, which is the use of
2 medication and ultraviolet light to make the tissues of the cornea stronger;

3 (II) the following laser procedures:

4 (aa) laser capsulotomy;

5 (bb) laser peripheral iridotomy; and

6 (cc) laser trabeculectomy; and

7 (III) the following injections:

8 (aa) injections of therapeutic pharmaceutical agents into the
9 eyelid or its adnexa, including into the subconjunctival space, and including
10 injections for the removal of chalazia and injections to administer local
11 anesthesia;

12 (bb) injections to perform fluorescein angiography;

13 (cc) injections of epinephrine for treatment of anaphylactic
14 shock; and

15 (dd) if authorized by the Commissioner of Health during a
16 public health emergency, vaccinations for systemic health reasons.

17 (B) The practice of optometry does not include performing any of the
18 practices set forth in section 1720 of this chapter.

19 * * *

20 (6) "Adverse event" means any untoward incident, therapeutic
21 misadventure, iatrogenic injury, or other undesirable outcome directly

1 associated with care or services provided by a health care provider or a health
2 care facility, as those terms are defined in 18 V.S.A. § 9402.

3 (7)(A) “Therapeutic pharmaceutical agent” means any prescription or
4 nonprescription drug used or prescribed for the diagnosis, prevention,
5 treatment, or mitigation of abnormal conditions and pathology of the human
6 eye or its adnexa.

7 (B) “Therapeutic pharmaceutical agent” does not include:

8 (i) any drug or other substance that must be administered by
9 intraocular injection or intraocular implementation, except as authorized for an
10 optometrist holding a specialty endorsement license issued pursuant to
11 subchapter 5 of this chapter pursuant to subdivision (2)(A)(vi)(III) of this
12 section; or

13 (ii) any drug or other substance that is prohibited under subsection
14 1720(b) of this chapter.

15 Sec. 2. 26 V.S.A. § 1716a is amended to read:

16 § 1716a. RENEWAL

17 (a) Licenses shall be renewed every two years upon payment of the
18 required fee, provided that the person applying for renewal completes at least
19 40 hours of continuing education, approved by the Board, during the preceding
20 two-year period and holds a current cardiopulmonary resuscitation
21 certification.

1 (b) Licensees holding a specialty endorsement license pursuant to
2 subchapter 5 of this chapter shall, during each two-year licensure period,
3 complete an additional five hours of continuing education, approved by the
4 Board, in the advanced procedures.

5 Sec. 3. 26 V.S.A. § 1720 is added to read:

6 § 1720. PROHIBITED PRACTICES

7 (a) An optometrist shall not perform any ophthalmic surgeries, with or
8 without the use of lasers, or injection procedures, other than those set forth in
9 subdivision 1703(2)(A)(vi) of this chapter. This prohibition includes the
10 following procedures, which an optometrist is prohibited from performing:

11 (1) retinal laser procedures, laser-assisted in situ keratomileusis
12 (LASIK), photorefractive keratectomy, laser epithelial keratomileusis, or any
13 forms of refractive surgery;

14 (2) penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;

15 (3) the administration of general anesthesia;

16 (4) surgery done with general anesthesia;

17 (5) laser or nonlaser injection in the posterior or vitreous chamber of the
18 eye to treat any macular or retinal disease;

19 (6) surgery related to removal of the eye or adnexa, including the
20 eyeball, from a living human being;

1 (7) surgery requiring full-thickness incision or excision of the cornea or
2 sclera other than paracentesis in an emergency situation requiring immediate
3 reduction of the pressure inside the eye;

4 (8) surgery requiring incision of the iris and ciliary body, including iris
5 diathermy or cryotherapy;

6 (9) surgery requiring the incision or removal of the vitreous;

7 (10) surgery requiring incision of the retina;

8 (11) surgical extraction of the crystalline lens;

9 (12) surgical intraocular lens implants;

10 (13) incisional or excisional surgery of the extraocular muscles;

11 (14) surgery of the eyelid for suspected malignancies, for cosmetic
12 purposes, or for cosmetic or mechanical repair of blepharochalasis, ptosis, and
13 tarsorrhaphy;

14 (15) surgery for the removal of lesions involving the eyelid margin,
15 lacrimal supply, or drainage systems;

16 (16) repair of an eyelid laceration larger than 2.5 centimeters, deeper
17 than the orbicularis muscle, or involving the eyelid margin or lacrimal drainage
18 structures;

19 (17) surgery of the bony orbit, including orbital implants;

20 (18) incisional or excisional surgery of the lacrimal system other than
21 probing or related procedures;

1 (19) surgery requiring full-thickness conjunctivoplasty with graft or

2 flap;

3 (20) pterygium surgery;

4 (21) ionizing radiation;

5 (22) intraocular injections penetrating the globe; and

6 (23) retrobulbar or intraorbital injections.

7 (b)(1) An optometrist shall not prescribe or administer a drug or other
8 substance that is listed as a Schedule I or II controlled substance pursuant to
9 the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., as amended,
10 except as set forth in subdivision (2) of this subsection.

11 (2) Notwithstanding subdivision (1) of this subsection, an optometrist
12 may prescribe or administer hydrocodone in combination with analgesics,
13 provided that an optometrist shall not prescribe more than a 72-hour supply of
14 hydrocodone and shall not provide any refills of the prescription.

15 Sec. 4. 26 V.S.A. chapter 30, subchapter 5 is amended to read:

16 Subchapter 5. ~~Diagnostic Pharmaceutical Agents~~ Specialty Endorsement

17 License

18 § 1723. SPECIALTY ENDORSEMENT LICENSE

19 An optometrist who is licensed pursuant to subchapter 3 of this chapter may
20 apply for a special endorsement license that authorizes the optometrist to

1 perform the advanced therapeutic procedures set forth in subdivision
2 1703(2)(A)(vi) of this chapter.

3 § 1724. QUALIFICATIONS FOR SPECIALTY ENDORSEMENT LICENSE

4 (a) Generally. An optometrist shall obtain a specialty endorsement license
5 to perform the advanced therapeutic procedures set forth in subdivision
6 1703(2)(A)(vi) of this chapter. The Board may grant a specialty endorsement
7 license to an applicant who:

8 (1) is licensed as an optometrist pursuant to subchapter 3 of this chapter;

9 (2) meets the educational and experiential requirements set forth in
10 subsections (b) and (c) of this section; and

11 (3) has passed the examinations specified in subsection (d) of this
12 section.

13 (b) Educational requirements.

14 (1) An optometrist who graduated from an optometric school or college
15 in 2019 or after shall meet the following requirements to obtain a specialty
16 endorsement license:

17 (A) have completed a post-graduate residency with at least simulated
18 experience in the advanced procedures set forth in subdivision 1703(2)(A)(vi)
19 of this chapter and such other content as the Board may specify by rule; and

20 (B) have completed a preceptorship that meets the requirements set
21 forth in subsection (c) of this section.

1 (2) An optometrist who graduated from an optometric school or college
2 prior to 2019 shall meet the following requirements to obtain a specialty
3 endorsement license:

4 (A) have completed a post-graduate course with a minimum of 32
5 hours that includes content as defined by the Board by rule; and

6 (B) have completed a preceptorship that meets the requirements set
7 forth in subsection (c) of this section.

8 (c) Preceptorship requirements.

9 (1) In order to satisfy the requirements of this section, an optometrist
10 shall complete a preceptorship during which the optometrist gains at least 100
11 hours of clinical training supervised by a preceptor, which shall include hands-
12 on experience performing the following procedures on live, human patients:

13 (A) at least two laser trabeculoplasties;

14 (B) at least two posterior capsulotomies;

15 (C) at least two laser peripheral iridotomies;

16 (D) at least two chalazion excisions;

17 (E) at least two chalazion intralesional injections;

18 (F) at least two excisions of an authorized lesion of two millimeters
19 or greater in size;

20 (G) at least two excisions or drainages of other authorized lesions;

21 and

1 (H) at least one surgical corneal crosslinking involving removal of
2 epithelium.

3 (2) The preceptor shall be an optometrist who has been licensed in
4 Vermont or any other U.S. jurisdiction to provide the advanced procedures set
5 forth in subdivision 1703(2)(A)(vi) of this chapter for at least three years or an
6 ophthalmologist.

7 (3) The preceptorship shall involve direct and in-person supervision of
8 the optometrist by the preceptor.

9 (4) The preceptorship shall take place in a state in which the preceptor is
10 licensed and authorized to perform the advanced procedures.

11 (5) The preceptor shall certify that the optometrist has competently
12 completed the required procedures and shall provide a log of the completed
13 procedures to the Board.

14 (d) Examination requirements. The applicant shall have successfully
15 completed both the National Board of Examiners in Optometry Injections Skill
16 Examination (ISE) and the Laser and Surgical Procedures Examination
17 (LSPE).

18 § 1725. REPORTING REQUIREMENTS

19 (a) As part of the specialty endorsement license renewal process, each
20 optometrist shall report to the Board the outcome of each advanced procedure
21 the optometrist performed during the preceding two-year period.

1 (b) An optometrist shall report any adverse event related to an advanced
2 procedure within three weeks following the event.

3 Sec. 5. 26 V.S.A. § 1727 is redesignated to read:

4 § ~~1727~~ 1705. EXPIRATION DATE

5 Sec. 6. EFFECTIVE DATE

6 This act shall take effect on July 1, 2024.