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## DIGEST

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Hoffmann

HB No. 527

**Abstract:** Provides relative to the practice of optometry.

Present law (R.S. 37:1041(C)(2)(a)) defines "diagnostic and therapeutic pharmaceutical agent" as meaning any chemical in solution, suspension, emulsion, ointment base, or other form that when used topically or orally has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, or those which may be used for such purposes, and certain approved narcotics, when used in treatment of disorders or diseases of the eye and its adnexa.

Proposed law modifies the definition of "diagnostic and therapeutic pharmaceutical agent" to mean any prescription or nonprescription drug delivered by any route of administration used or prescribed for the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, including controlled substances in Schedule III, IV, and V of the Uniform Controlled Substances Law and hydrocodone combination drugs.

Present law (R.S. 37:1041(C)(2)(b)) specifies that "diagnostic and therapeutic pharmaceutical agent" as defined in present law listed in Schedules III, IV, and V of the Uniform Controlled Dangerous Substances Law is limited to use or to be prescribed by a licensed optometrist for a maximum of 48 hours when used in treatment of disorders or diseases of the eye and its adnexa.

Proposed law repeals present law in its entirety.

Present law (R.S. 37:1041(C)(2)(c)) specifies that "diagnostic and therapeutic pharmaceutical agent" does not include any drug or other substance listed in certain schedules of the Uniform Controlled Dangerous Substances Law which is prohibited from use by a licensed optometrist.

Proposed law establishes an exception to present law which allows a licensed optometrist to use hydrocodone combination drugs.

Present law (R.S. 37:1041(C)(2)(d)) authorizes a licensed optometrist to prescribe one additional 48-hour prescription if warranted by a follow-up exam.

Proposed law repeals present law in its entirety.

Present law (R.S. 37:1041(C)(3)) defines "licensed optometrist" as meaning a person licensed and holding a certificate issued under the provisions of present law.

Proposed law modifies present law by specifying that a "licensed optometrist" is a person who is an optometric physician, in addition to being licensed and holding a certain certificate.

Present law (R.S. 37:1041(C)(4)(a)) defines "ophthalmic surgery" as meaning a procedure upon the human eye or its adnexa in which in vivo human tissue is injected, cut, burned, frozen, sutured, vaporized, coagulated, or photodisrupted by the use of surgical instrumentation such as, but not limited to a scalpel, cryoprobe, laser, electric cautery, or ionizing radiation. Specifies that nothing in present law limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology in the performance of primary eye care. Further, specifies that only persons licensed to practice medicine by the La. State Board of Medical Examiners under the laws of this state may perform ophthalmic surgery.

Proposed law specifies that present law does not limit an optometrist's ability to perform ophthalmic surgery except those procedures excluded from the scope of practice in proposed law.

Present law (R.S. 37:1041(C)(5)) defines "optometry" as meaning a practice in which a person employs primary eye care procedures or applies any means other than ophthalmic surgery, for the measurement of the powers and testing the range of vision of the human eye, and determines its accommodative and refractive state; general scope of function; and the adaptation, sale, and dispensing of frames and lenses in all their forms, including plano or zero power contact lenses, to overcome errors of refraction and restore as near as possible, normal human vision, or for orthotic, prosthetic, therapeutic, or cosmetic purposes with respect to contact lenses. Further, provides that optometry includes the examination, diagnosis, and treatment, other than by ophthalmic surgery of abnormal conditions and pathology of the human eye and its adnexa, including the provision of and the prescription of diagnostic and therapeutic pharmaceutical agents.

Proposed law clarifies the definition of "optometry" by specifying that it does not include those procedures excluded by proposed law. Further specifies that "optometry" includes measurements of the powers and range of vision of the human eye using subjective or objective means, including the use of lenses and prisms before the eye and autorefractors or other automated testing devices to determine its accommodative and refractive state and general scope of function and the adaptation, sale, and dispensing of frames and lenses in all their forms, including plano or zero power contact lenses, to overcome errors of refraction and restore as near as possible, normal human vision, or for orthotic, prosthetic, therapeutic, or cosmetic purposes with respect to contact lenses.

Also, specifies that optometry includes the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and its adnexa, including the use or prescription of vision therapy, ocular exercises, rehabilitation, ordering of appropriate diagnostic lab or imaging tests; the dispensing of samples to initiate treatment and the use or prescription of diagnostic and therapeutic pharmaceutical agents.

Proposed law (R.S. 37:1041(C)(6)) specifies that the following ophthalmic surgery procedures are excluded from the scope of practice of optometry, except for the preoperative and

postoperative care of these procedures:

- (1) Retina laser procedures, Laser-Assisted In Situ Keratomileus (LASIK) and Photorefractive Keratectomy (PRK).
- (2) Penetrating keratoplasty (corneal transplant) or lamellar keratoplasty.
- (3) The administration of general anesthesia.
- (4) Laser or nonlaser injection into the vitreous chamber of the eye to treat any macular or retinal disease.
- (5) The following nonlaser surgical procedures:
  - (a) Surgery related to removal of the eye from a living human being.
  - (b) Surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye.
  - (c) Surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy.
  - (d) Surgery requiring incision of the vitreous.
  - (e) Surgery requiring incision of the retina.
  - (f) Surgical extraction of the crystalline lens.
  - (g) Surgical intraocular implants.
  - (h) Incisional or excisional surgery of the extraocular muscles.
  - (i) Surgery of the eyelid for suspect eyelid malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy.
  - (j) Surgery of the bony orbit, including orbital implants.
  - (k) Incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures.
  - (l) Surgery requiring full thickness conjunctivoplasty with graft or flap.
  - (m) Any surgical procedure that does not provide for the correction and relief of ocular abnormalities.

Proposed law (R.S. 37:1041(D)) specifies that in a public health emergency, the La. State Health Officer may authorize therapeutically licensed optometrists to administer inoculations for systemic health reasons.

Present law (R.S. 37:1048) establishes the responsibilities and powers of the board relative to the regulation of the practice of optometry.

Proposed law (R.S. 37:1048(15), (16), and (17)) adds the following responsibilities:

- (1) Any therapeutically licensed optometrist authorized to practice pursuant to present law must meet the educational and competence criteria set forth by the board in order to

perform expanded therapeutic procedures. Evidence of proof of continuing competency must be determined by the board.

- (2) Nothing in present law can be construed as allowing any agency, board, or other entity of this state other than the La. State Board of Optometry Examiners to determine what constitutes the practice of optometry.
- (3) The board has the sole authority to determine what constitutes the practice of optometry and sole jurisdiction to exercise any other powers and duties under present law. Authorizes the board to issue advisory opinions and declaratory rulings related to present law and the administrative regulations promulgated pursuant to present law.

Present law (R.S. 37:1049) establishes the qualifications and requirements for applicants desiring to become licensed to practice optometry.

Proposed law adds a requirement that applicants meet the credentialing requirements of the board to perform authorized ophthalmic surgery procedures.

Present law (R.S. 37:1061(A)(29)) authorizes the board to assess a fine, not more than \$5,000, for each offense, refuse to license, register, certify, or permit any applicant, refuse to renew the license or permit of any person, or revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning against the person who was issued the license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of optometry upon proof that the person practiced medicine or surgery for the use of carrying on the practice of optometry. Specifies that present law does not prevent the possession or use of ocular diagnostic and therapeutic pharmaceutical agents by a licensed optometrist as long as that person's conduct is in accordance with the provisions of present law.

Proposed law repeals present law in its entirety.

(Amends R.S. 37:1041(C)(2)(a) and (c), and (3), (4)(a), and (5); Adds R.S. 37:1041(C)(6) and (D), 1048(15), (16), and (17), and 1049(8); Repeals R.S. 37:1041(C)(2)(b) and (d) and 1061(A)(29))