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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hoffmann to Engrossed House Bill No. 527 by Representative Hoffmann

1 AMENDMENT NO. 1

2 On page 1, line 2, after "(4)(a)," and before "(5)," delete "and"

3 AMENDMENT NO. 2

4 On page 1, line 2, after "(5)" and before "to enact" insert "and 1048,"

5 AMENDMENT NO. 3

6 On page 1, at the beginning of line 3, delete "37:1041(C)(6) and (D), 1048(15), (16), and
7 (17)," and insert in lieu thereof "37:1041(D), (E),"

8 AMENDMENT NO. 4

9 On page 1, line 6, after "optometry;" and before "to provide" insert "to provide for rules and
10 regulations concerning the scope of practice of optometry;"

11 AMENDMENT NO. 5

12 On page 1, line 10, after "(4)(a)," and before "(5)" delete "and"

13 AMENDMENT NO. 6

14 On page 1, line 10, after "(5)" and before "are hereby" insert a comma "," and "and 1048"

15 AMENDMENT NO. 7

16 On page 1, line 11, delete "R.S. 37:1041(C)(6) and (D), 1048(15), (16), and (17)," and insert
17 in lieu thereof "R.S. 37:1041(D), (E),"

18 AMENDMENT NO. 8

19 On page 3, line 6, after "excluded in" delete the remainder of the line and insert in lieu
20 thereof "Subsection D of this Section:"

21 AMENDMENT NO. 9

22 On page 3, at the end of line 24, insert the following:

23 "Notwithstanding any provision of law to the contrary, the practice of optometry also
24 includes the use of any the following laser procedures:

- 25 (a) YAG posterior capsulotomy.
- 26 (b) Peripheral iridotomy.
- 27 (c) Selective laser trabeculoplasty."

1 AMENDMENT NO. 10

2 On page 3, at the beginning of line 25, change "(6)" to "D."

3 AMENDMENT NO. 11

4 On page 4, delete lines 5 and 6 in their entirety and insert in lieu thereof the following:

5 "(d) Nonlaser injection into the globe."

6 AMENDMENT NO. 12

7 On page 4, after line 26, insert the following:

8 "(f) Any form of refractive surgery."

9 AMENDMENT NO. 13

10 On page 5, at the beginning of line 1, change "D." to "E."

11 AMENDMENT NO. 14

12 On page 5, delete lines 6 through 8 in their entirety and insert in lieu thereof the following:

13 "A. The board shall be responsible for the control and regulation of the
14 practice of optometry and may:

15 (1) Adopt by-laws and regulations for the management of the board and
16 define the duties of its officers.

17 (2) Promulgate and publish rules and regulations for the purpose of
18 administering the provisions of this Chapter.

19 (3) Employ the necessary persons, including an attorney, to administer this
20 Chapter.

21 (4) Summon witnesses and compel the attendance of witnesses. No
22 subpoena shall be issued until the party who wishes to subpoena the witness first
23 deposits with the agency a sum of money sufficient to pay all fees and expenses to
24 which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.
25 A summons may order a person to appear and/or produce at the hearing, books,
26 papers, documents or any other tangible things in his possession or under his control,
27 if a reasonably accurate description thereof is given.

28 (5)(a) Conduct hearings on proceedings, and generally enforce those
29 provisions of this Chapter, relating to conduct and competence, including but not
30 limited to revocation, summary suspension, suspension, probation, reprimand, fines
31 and warnings, when evidence has been presented showing violation of any of the
32 provisions of this Chapter.

33 (b) In addition to the power and duties granted in Subparagraph (a) of this
34 Paragraph, the board may, in its discretion, impose a fine against any person licensed
35 under this Chapter when evidence has been presented showing the person is in
36 violation of any of the provisions of this Chapter and may assess costs and attorney
37 fees against the person found to have been in violation of any of the provisions of
38 this Chapter.

39 (6)(a) Issue a subpoena to any person or persons who the board has probable
40 cause to believe has engaged in the practice of optometry without a current valid

1 license or permit and conduct hearings when evidence has been presented showing
 2 that the person or persons have been engaged in the practice of optometry without
 3 a current valid license or permit.

4 (b) Levy a civil penalty of no more than five thousand dollars per offense
 5 upon any unlicensed person who, after a hearing or informal resolution in accordance
 6 with all provisions of the Administrative Procedure Act and this Chapter, is found
 7 to have practiced optometry without benefit of a current valid license having been
 8 issued by the board pursuant to the provisions of this Chapter and assess costs and
 9 attorney fees against the unlicensed person found to have been practicing optometry
 10 without a current valid license.

11 (c) Levy a civil penalty not to exceed one thousand dollars upon any person
 12 who fails to attend a hearing as a witness, or otherwise, after timely service of a
 13 summons or subpoena.

14 (7) Establish and enforce compliance with professional standards and rules
 15 of conduct of optometrists engaged in the practice of optometry.

16 (8) Inspect during hours of operation any licensed, permitted, certified, or
 17 registered person including, but not limited to, pertinent records for the purpose of
 18 determining if any provisions of law governing the legal distribution of drugs or
 19 devices or the practice of optometry is being violated.

20 (9) Cooperate with all agencies charged with the enforcement of the laws of
 21 the United States, of this state, and of all other states relating to drugs, devices or the
 22 practice of optometry.

23 (10) Compel a person applying for or holding any license, registration,
 24 certificate, permit, or any other designation deemed necessary to engage or assist in
 25 the practice of optometry to submit to an evaluation by such persons as the board
 26 may designate.

27 (11) Permit optometrists to join such professional organizations and
 28 associations organized exclusively to promote the improvement of the standards of
 29 the practice of optometry for the protection of the health, safety, and welfare of the
 30 public or whose activities facilitate the work of the board.

31 (12) Educate the public and optometrists on issues of public health, safety
 32 and welfare by sponsoring, promoting, managing, operating or improving health
 33 related education services, programs or facilities in the state.

34 (13) Place under seal all drugs or devices that are owned by or in the
 35 possession, custody, or control of a licensee at the time his license is suspended or
 36 revoked or at the time the board refused to renew his license. Except as otherwise
 37 provided in this Section, drugs or devices so sealed shall not be disposed of until
 38 appeal rights under the Administrative Procedure Act have expired, or an appeal
 39 filed pursuant to that Act has been determined.

40 (14) Establish minimum standards for maintaining the integrity and
 41 confidentiality of prescription information and other patient health care information."

42 AMENDMENT NO. 15

43 On page 5, at the beginning of line 9, change "(15)" to "B."

44 AMENDMENT NO. 16

45 On page 5, delete lines 13 through 20 and insert in lieu thereof the following:

1 "C. The board shall not utilize its rulemaking authority to unilaterally expand
2 the scope of practice of optometry beyond the services provided for in this Chapter.
3 As clinical developments in optometry evolve, the board shall seek legislative
4 approval through a legislative instrument for implementation of any changes to the
5 scope of practice of optometry. Any regulation, rule, or other determination by the
6 board which unilaterally impacts the scope of practice of optometry shall be subject
7 to judicial review.

8 D. Except as provided in R.S. 37:1041(C)(4)(b) and (5), optometrists shall
9 be authorized to perform only those ophthalmic surgery procedures which the board
10 and the Louisiana State Board of Medical Examiners have both approved. If the
11 boards fail to jointly approve a procedure, the board may seek legislative approval
12 through a legislative instrument for the expansion of the scope of practice relative
13 to the procedure."