

ACT No. 398

Regular Session, 2014

HOUSE BILL NO. 1065

BY REPRESENTATIVES POPE, ANDERS, BARROW, BERTHELOT, BROWN,
HENSGENS, HODGES, AND HOWARD

1 AN ACT

2 To amend and reenact R.S. 37:1041(C)(2)(a), (4)(a), and (5), to enact R.S. 37:1041(D) and
3 (E), 1048(15), and 1049(8), and to repeal R.S. 37:1041(C)(2)(b) and (d) and
4 1061(A)(29), relative to the practice of optometry; to provide definitions; to provide
5 for the powers of the Louisiana State Board of Optometry Examiners in the control
6 and regulation of the practice of optometry; to provide for qualifications and
7 requirements of applicants for licensure as optometrists; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1041(C)(2)(a), (4)(a), and (5) are hereby amended and reenacted
11 and R.S. 37:1041(D) and (E), 1048(15), and 1049(8) are hereby enacted to read as follows:

12 §1041. Legislative declaration; statement of purpose; definitions; scope of practice

13 * * *

14 C. As used in this Chapter, the following terms have the meaning ascribed
15 to them in this Section, unless the context clearly indicates otherwise:

16 * * *

17 (2)(a) "Diagnostic and therapeutic pharmaceutical agent" means any
18 ~~chemical in solution, suspension, emulsion, ointment base, or other form that when~~
19 ~~used topically or orally has the property of assisting in~~ prescription or
20 nonprescription drug delivered by any route of administration, used or prescribed for
21 the diagnosis, prevention, treatment, or mitigation of abnormal conditions and
22 pathology of the human eye and its adnexa, or those which may be used for such
23 purposes, and certain approved narcotics, when used in treatment of disorders or
24 diseases of the eye and its adnexa.

25 * * *

1 lenses, including those containing diagnostic and therapeutic pharmaceutical agents,
2 an optometrist may provide samples or dispense such products to his own patients,
3 provided however that such dispensing activities shall conform to rules relative to
4 packaging, labeling, and ~~record keeping~~ recordkeeping promulgated by the board.

5 D. The following ophthalmic surgery procedures are excluded from the
6 scope of practice of optometry, except for the preoperative and postoperative care
7 of these procedures:

8 (1) Retina laser procedures, Laser-Assisted In Situ Keratomileus (LASIK),
9 Photorefractive Keratectomy (PRK), laser epithelial keratomileusis (LASEK), and
10 any form of refractive surgery.

11 (2) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty.

12 (3) The administration of general anesthesia.

13 (4) Surgery done with general anesthesia.

14 (5) Laser or nonlaser injection into the vitreous chamber of the eye to treat
15 any macular or retinal disease.

16 (6) The following nonlaser surgical procedures:

17 (a) Surgery related to removal of the eye from a living human being.

18 (b) Surgery requiring full thickness incision or excision of the cornea or
19 sclera other than paracentesis in an emergency situation requiring immediate
20 reduction of the pressure inside the eye.

21 (c) Surgery requiring incision of the iris and ciliary body, including iris
22 diathermy or cryotherapy.

23 (d) Surgery requiring incision of the vitreous.

24 (e) Surgery requiring incision of the retina.

25 (f) Surgical extraction of the crystalline lens.

26 (g) Surgical intraocular implants.

27 (h) Incisional or excisional surgery of the extraocular muscles.

28 (i) Surgery of the eyelid for suspect eyelid malignancies or for incisional
29 cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy.

30 (j) Surgery of the bony orbit, including orbital implants.

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____