

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 158 entitled “An act relating to optometrists’ scope of practice”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 26 V.S.A. chapter 30 is amended to read:

8 CHAPTER 30. OPTOMETRY

9 * * *

10 § 1703. DEFINITIONS

11 As used in this chapter:

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

13 ~~(2) The “practice of optometry” means any one or combination of the~~
14 ~~following practices:~~

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

16 ~~(i) diagnosing refractive and functional ability; or~~

17 ~~(ii) diagnosing the presence of eye and adnexa disease or injury,~~

18 ~~treating the disease or injury with the appropriate pharmaceutical agents and~~

19 ~~procedures in accordance with this chapter, and making referrals to the~~

20 ~~appropriate health care provider when warranted.~~

1 ~~(B) Diagnosing and correcting anomalies of the refractive and~~
2 ~~functional ability of the visual system and the enhancement of visual~~
3 ~~performance including the following:~~

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

7 ~~(ii) prescribing and employing contact lenses; and~~

8 ~~(iii) administering visual training, vision therapy, orthoptics, and~~
9 ~~pleoptics.~~

10 ~~(C) Prescribing appropriate pharmaceutical agents for the diagnosis,~~
11 ~~management, and treatment of the eye and adnexa.~~

12 ~~(D) Removing superficial foreign bodies from the eye and adnexa;~~
13 ~~epilating the eyelashes, including by electrolysis; and punctal dilation, lacrimal~~
14 ~~irrigation, and punctal plugs insertion.~~

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

17 ~~(i) adult primary open angle glaucoma;~~

18 ~~(ii) exfoliative glaucoma;~~

19 ~~(iii) pigmentary glaucoma;~~

20 ~~(iv) low tension glaucoma;~~

21 ~~(v) inflammatory (uveitic) glaucoma; and~~

1 ~~(vi) emergency treatment of angle closure glaucoma.~~

2 (2) “Contact lenses” means those lenses that are worn for cosmetic,
3 therapeutic, or refractive purposes.

4 (3) “Diagnostic and therapeutic pharmaceutical agent” means any
5 prescription or nonprescription drug delivered by any route of administration,
6 used or prescribed for the diagnosis, treatment, prevention, or mitigation of
7 abnormal conditions and diseases of the human eye and its adnexa, and visual
8 system or those that may be used for such purposes, and approved narcotics
9 when used in the treatment of disorders or diseases of the eye and its adnexa.
10 It shall not include any drug or other substance listed in Schedule I of the
11 federal Uniformed Controlled Substances law that shall be prohibited from use
12 by a licensed doctor of optometry.

13 ~~(3)~~(4) “Director” means the Director of the Office of Professional
14 Regulation.

15 ~~(4)~~(5) “Financial interest” means being:

16 (A) a licensed practitioner of optometry; ~~or~~

17 (B) a person who deals in goods and services that are uniquely
18 related to the practice of optometry; or

19 (C) a person who has invested anything of value in a business that
20 provides optometric services.

1 ~~(5) “Contact lenses” means those lenses that are worn for cosmetic,~~
2 ~~therapeutic, or refractive purposes.~~

3 (6) “Ophthalmic surgery” means a procedure upon the human eye and
4 adnexa in which in vivo tissue is injected, cut, burned, frozen, sutured,
5 vaporized, coagulated, or photodisrupted by the use of surgical instrumentation
6 such as, but not limited to, a scalpel, cryoprobe, laser, electric cauterly, or
7 ionizing radiation.

8 (7)(A) The “practice of optometry” means any one or combination of
9 the following practices:

10 (i) employing primary eye care procedures, including the
11 prescription of diagnostic and therapeutic pharmaceutical agents, medical
12 devices and ophthalmic surgery, and measuring the powers and range of vision
13 of the human eye using subjective and objective means, including the use of
14 lenses and prisms before the eye and auto-refractors and other automated
15 testing devices to determine its accommodative and refractive state and general
16 scope of function;

17 (ii) the adaptation, sale, and dispensing of frames and lenses in all
18 their forms, including plano or zero power contact lenses, to overcome errors
19 of refraction and restore as near as possible normal human vision, or for
20 orthotic, prosthetic, therapeutic, or cosmetic purposes with respect to contact
21 lenses;

1 (iii) the examination, diagnosis, and treatment of abnormal
2 conditions and diseases of the human eye, its adnexa, and visual system,
3 including the use or prescription of vision therapy, ocular exercises,
4 rehabilitation therapy, subnormal vision therapy, ordering of appropriate
5 diagnostic lab or imaging tests, and the dispensing of samples to initiate
6 treatment, and:

7 (I) the management of glaucoma in patients who are 16 years
8 of age or older; and

9 (II) the removal of superficial foreign bodies from the eye and
10 adnexa; epilating the eyelashes, including by electrolysis; and punctal dilation,
11 lacrimal irrigation, and punctal plugs insertion; and

12 (iv) the preoperative and postoperative care for ophthalmic
13 surgery procedures.

14 (B) The “practice of optometry” shall include ophthalmic surgery
15 procedures when an applicant has been granted an ophthalmic surgery
16 endorsement by the Board pursuant to this chapter.

17 * * *

18 § 1717. SPECIALTY ENDORSEMENT; OPHTHALMIC SURGERY
19 PROCEDURES

20 (a) Qualifications. The Board may grant a specialty endorsement for the
21 practice of ophthalmic surgery procedures to a licensee who has successfully

1 completed a Council on Optometric Practitioner Education (COPE)-approved
2 course in ophthalmic surgery procedures within the preceding two years that
3 shall:

4 (1) be provided by an accredited optometry or medical school;

5 (2) be taught by full-time or adjunct faculty members of an accredited
6 optometry or medical school;

7 (3) be a minimum of 32 clock hours in length; and

8 (4) meet or exceed the following requirements:

9 (A) classroom instruction shall cover laser physics, hazards, and
10 safety; biophysics of lasers; laser application in clinical optometry; laser tissue
11 interactions; laser indications, contraindications, and potential complications;
12 gonioscopy; laser therapy for open angle glaucoma and for angle closure
13 glaucoma; posterior capsulotomy; common complications for lids, lashes, and
14 lacrimal; medicolegal aspects of anterior segment procedures; peripheral
15 iridotomy; laser trabeculoplasty; minor surgical procedures; overview of
16 surgical instruments, asepsis, and OSHA; the surgical anatomy of eyelids;
17 emergency surgical procedures; chalazion management; epiluminescence
18 microscopy; suture techniques and complications; anaphylaxis and other office
19 emergencies; radiofrequency surgery; and postoperative wound care;

1 (B) include clinical or laboratory experience, including video tape
2 demonstration, in vitro observation or participation, in vivo observation, and a
3 formal or laboratory practical examination; and

4 (C) require passage of a written test utilizing the National Board of
5 Examiners in Optometry format.

6 (b) Scope of practice.

7 (1) Training and education. A licensee who has been granted an
8 endorsement under subsection (a) of this section may practice an ophthalmic
9 surgery procedure listed in subdivision (2) of this subsection:

10 (A) if it is within the scope of the licensee’s education and training
11 from an accredited optometry or medical school; and

12 (B) the procedure is one for which the licensee has completed not
13 less than six credit hours of “Surgery Procedures” continuing education
14 accredited by COPE within the previous two years.

15 (2) Approved procedures. A licensee who has been granted an
16 endorsement under subsection (a) of this section may practice one or more of
17 the following ophthalmic surgery procedures if the licensee complies with the
18 requirements of subdivision (1) of this subsection and any procedure being
19 performed does include any of the prohibited procedures listed in subdivision
20 (3) of this subsection:

1 (A) Laser procedures of the anterior segment, the surface of the eye,

2 or adnexa; including:

3 (i) laser procedures to create a capsulorhexis prior to cataract
4 surgery;

5 (ii) laser procedures to treat glaucoma such as laser
6 trabeculoplasty;

7 (iii) laser procedures to treat narrow angles such as laser
8 iridotomy, or laseriridoplasty; and

9 (iv) laser procedures to treat capsular opacification such as
10 YAGcapsulotomy.

11 (B) Injections pertaining to the eye and its adnexa, intravenous
12 injections, subcutaneous and intramuscular injections, including:

13 (i) injections for the administration of local anesthesia;

14 (ii) injections to perform fluorescein angiography;

15 (iii) injections of therapeutics into the eyelid or its adnexa or
16 subconjunctival space;

17 (iv) injections for anaphylaxis; and

18 (v) injections for vaccination in a public health emergency.

19 (C) Removal and restoration of tissue or lesions with low risk of
20 malignancy of the eye and its adnexa; including:

21 (i) excision and repair of chalazia;

1 (ii) excision and repair of lesions with low risk of malignancy;

2 (iii) corneal crosslinking, treatment of recurrent corneal erosion;

3 and

4 (iv) intense pulsed light and radio frequency therapy.

5 (3) Prohibited procedures. A licensee shall not practice any of the
6 following procedures:

7 (A) retina laser procedures;

8 (B) penetrating keratoplasty or corneal transplant;

9 (C) the administration of general anesthesia;

10 (D) surgery done with general anesthesia;

11 (E) surgery related to removal of the eye from a living human being;

12 (F) surgery requiring full thickness incision or excision of the cornea
13 or sclera other than paracentesis in an emergency situation requiring immediate
14 reduction of the pressure inside the eye;

15 (G) surgery requiring incision of the iris and ciliary body, including
16 diathermy or cryotherapy;

17 (H) surgery requiring incision of the vitreous;

18 (I) surgery requiring incision of the retina;

19 (J) surgical extraction of the crystalline lens;

20 (K) surgical intraocular implants;

21 (L) incisional or excisional surgery of the extraocular muscles;

1 (M) surgery of the eyelid for suspect malignancies or for incisional
2 cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy;

3 (N) surgery of the bony orbit, including orbital implants;

4 (O) incisional or excisional surgery of the lacrimal system other than
5 probing or related procedures;

6 (P) surgery requiring full thickness conjunctivoplasty with graft or
7 flap; and

8 (Q) pterygium surgery.

9 * * *

10 § 1719. UNPROFESSIONAL CONDUCT

11 (a) Unprofessional conduct is the conduct prohibited by this section and by
12 3 V.S.A. § 129a, whether committed by a licensee, an applicant, or a person
13 who later becomes an applicant.

14 (b) Unprofessional conduct means:

15 (1) ~~Conduct~~ conduct that evidences moral unfitness to practice the
16 occupation;; and

17 (2) ~~Any any~~ of the following except when reasonably undertaken in an
18 emergency situation in order to protect life, health, or property:

19 (A) ~~Practicing~~ practicing or offering to practice beyond the scope
20 permitted by law, which includes practicing or offering to practice ophthalmic
21 surgery procedures without a specialty endorsement;

