

1 S.158

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; Secretary of State; Office of

6 Professional Regulation; optometrists

7 Statement of purpose of bill as introduced: This bill proposes to expand the
8 scope of procedures optometrists may perform.

9 An act relating to optometrists' scope of practice

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

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

12 CHAPTER 30. OPTOMETRY

13 * * *

14 § 1703. DEFINITIONS

15 As used in this chapter:

16 (1) "Board" means the State Board of Optometry.

17 (2) "Contact lenses" means those lenses that are worn for cosmetic,
18 therapeutic, or refractive purposes.

19 (3) "Diagnostic and therapeutic pharmaceutical agent" means any
20 prescription or nonprescription drug delivered by any route of administration.

1 used or prescribed for the diagnosis, treatment, prevention, or mitigation of
2 abnormal conditions and diseases of the human eye and its adnexa, and visual
3 system or those that may be used for such purposes, and approved narcotics
4 when used in the treatment of disorders or diseases of the eye and its adnexa.

5 It shall not include any drug or other substance listed in Schedule I of the
6 federal Uniformed Controlled Substances law that shall be prohibited from use
7 by a licensed doctor of optometry.

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

10 ~~(A) Examining the human eyes and visual system for purposes of:~~
11 ~~(i) diagnosing refractive and functional ability; or~~
12 ~~(ii) diagnosing the presence of eye and adnexa disease or injury,~~
13 ~~treating the disease or injury with the appropriate pharmaceutical agents and~~
14 ~~procedures in accordance with this chapter, and making referrals to the~~
15 ~~appropriate health care provider when warranted.~~

16 ~~(B) Diagnosing and correcting anomalies of the refractive and~~
17 ~~functional ability of the visual system and the enhancement of visual~~
18 ~~performance including the following:~~

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

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

2 ~~(iii) administering visual training, vision therapy, orthoptics, and~~
3 ~~pleoptics.~~

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

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

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

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

12 ~~(ii) exfoliative glaucoma;~~

13 ~~(iii) pigmentary glaucoma;~~

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

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

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

17 ~~(3)~~(4) “Director” means the Director of the Office of Professional
18 Regulation.

19 ~~(4)~~(5) “Financial interest” means being:

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

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

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

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

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

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

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

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

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

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

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

17 (iv) the preoperative and postoperative care for ophthalmic
18 surgery procedures.

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

1 lacrimonal; medicolegal aspects of anterior segment procedures; peripheral
2 iridotomy; laser trabeculoplasty; minor surgical procedures; overview of
3 surgical instruments, asepsis, and OSHA; the surgical anatomy of eyelids;
4 emergency surgical procedures; chalazion management; epiluminescence
5 microscopy; suture techniques and complications; anaphylaxis and other office
6 emergencies; radiofrequency surgery; and postoperative wound care;

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

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

12 (b) Scope of practice. A licensee who has been granted an endorsement
13 under subsection (a) of this section may practice those ophthalmic surgery
14 procedures:

15 (1) within the scope of the licensee's education and training from an
16 accredited optometry or medical school; and

17 (2) for which the licensee has completed not less than six credit hours of
18 "Surgery Procedures" continuing education accredited by COPE within the
19 previous two years;

20 (3) except that a licensee shall not practice any of the following
21 procedures:

- 1 (A) retina laser procedures;
- 2 (B) penetrating keratoplasty or corneal transplant;
- 3 (C) the administration of general anesthesia;
- 4 (D) surgery done with general anesthesia;
- 5 (E) surgery related to removal of the eye from a living human being;
- 6 (F) surgery requiring full thickness incision or excision of the cornea
7 or sclera other than paracentesis in an emergency situation requiring immediate
8 reduction of the pressure inside the eye;
- 9 (G) surgery requiring incision of the iris and ciliary body, including
10 diathermy or cryotherapy;
- 11 (H) surgery requiring incision of the vitreous;
- 12 (I) surgery requiring incision of the retina;
- 13 (J) surgical extraction of the crystalline lens;
- 14 (K) surgical intraocular implants;
- 15 (L) incisional or excisional surgery of the extraocular muscles;
- 16 (M) surgery of the eyelid for suspect malignancies or for incisional
17 cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy;
- 18 (N) surgery of the bony orbit, including orbital implants;
- 19 (O) incisional or excisional surgery of the lacrimal system other than
20 probing or related procedures;

1 (P) surgery requiring full thickness conjunctivoplasty with graft or
2 flap; and

3 (Q) pterygium surgery.

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5 § 1719. UNPROFESSIONAL CONDUCT

6 (a) Unprofessional conduct is the conduct prohibited by this section and by
7 3 V.S.A. § 129a, whether committed by a licensee, an applicant, or a person
8 who later becomes an applicant.

9 (b) Unprofessional conduct means:

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

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

14 (A) ~~Practicing~~ practicing or offering to practice beyond the scope
15 permitted by law; which includes practicing or offering to practice ophthalmic
16 surgery procedures without a specialty endorsement;

17 (B) ~~Performing~~ performing treatments or providing services that a
18 licensee is not qualified to perform or that are beyond the scope of the
19 licensee's education, training, capabilities, experience, or scope of practice;
20 and

1 (C) ~~Performing~~ performing occupational services that have not been
2 authorized by the consumer or his or her legal representative.

3 (c) After hearing, the Board may take disciplinary action against a licensee
4 or applicant found guilty of unprofessional conduct.

5 Sec. 2. 26 V.S.A. § 1716a is redesignated to read:

6 § ~~1716a~~ 1718a. RENEWAL

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on January 1, 2023.