

1 S.64

2 Introduced by Senators White, Baruth, Beck, Brennan, Brock, Chittenden,

3 Clarkson, Collamore, Douglass, Hardy, Harrison, Hart, Major,

4 Mattos, Norris, Plunkett, Vyhovsky, Weeks and Williams

5 Referred to Committee on Health and Welfare

6 Date: February 11, 2025

7 Subject: Professions and occupations; Office of Professional Regulation;

8 health care professionals; optometrists

9 Statement of purpose of bill as introduced: This bill proposes to revise and
10 further define the scope of practice for optometrists. It would also create an
11 advanced therapeutic procedures specialty that would allow qualified
12 optometrists to perform certain advanced therapeutic procedures.

13 An act relating to amendments to the scope of practice for optometrists

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

15 Sec. 1. 26 V.S.A. § 1703 is amended to read:

16 § 1703. DEFINITIONS

17 As used in this chapter:

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

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

3 (A)(i) Examining the human eyes and visual system for purposes of:

4 (i)(I) diagnosing refractive and functional ability; or

5 (ii)(II) diagnosing the presence of eye and adnexa disease or
6 injury, treating the disease or injury with the appropriate therapeutic

7 pharmaceutical agents and procedures in accordance with this chapter, and
8 making referrals to the appropriate health care provider when warranted.

9 (B)(ii) Diagnosing and correcting anomalies of the refractive and
10 functional ability of the visual system and the enhancement of visual
11 performance including the following:

12 (i)(I) prescribing and using ophthalmic lenses, prisms,
13 autorefractor or other automatic testing devices, frames, ophthalmic aids, and
14 prosthetic materials as consistent with the health of the eye;

15 (ii)(II) prescribing and employing contact lenses; and

16 (iii)(III) administering visual training, vision therapy, orthoptics,
17 and pleoptics.

18 (C)(iii) Prescribing and administering appropriate therapeutic
19 pharmaceutical agents, as defined in this section, for the diagnosis,
20 management, and treatment of the eye and adnexa.

1 ~~(D)~~(iv) Removing superficial foreign bodies from the eye and
2 adnexa; epilating the eyelashes, including by electrolysis; and punctal dilation,
3 lacrimal irrigation, and punctal plugs insertion.

4 ~~(E)~~(v) Managing the following types of glaucoma in patients who are
5 16 years of age or older:

6 ~~(i)~~(I) adult primary open angle glaucoma;

7 ~~(ii)~~(II) exfoliative glaucoma;

8 ~~(iii)~~(III) pigmentary glaucoma;

9 ~~(iv)~~(IV) low tension glaucoma;

10 ~~(v)~~(V) inflammatory (uveitic) glaucoma; and

11 ~~(vi)~~(VI) emergency treatment of angle closure glaucoma.

12 (vi) For an optometrist holding an advanced therapeutic
13 procedures specialty issued pursuant to subchapter 5 of this chapter,
14 performing the following advanced therapeutic procedures:

15 (I) surgery to remove lesions from the eye and adnexa and the
16 accompanied restoration of tissue, including only the following:

17 (aa) excision and repair of nonrecurrent chalazia;

18 (bb) excision and biopsy of nonrecurrent lesions of the
19 adnexa without characteristics or obvious signs of malignancy, excluding any
20 lesion involving the eyelid margin, involving the lacrimal supply or drainage

1 systems, deeper than the orbicularis muscle, or larger than five millimeters in
2 diameter;

3 (cc) closure of wounds resulting from removal of a lesion;

4 (dd) repair of an eyelid laceration not larger than 2.5
5 centimeters, not deeper than the orbicularis muscle and not involving the
6 eyelid margin or lacrimal drainage structures; and

7 (ee) corneal crosslinking;

8 (II) the following laser procedures:

9 (aa) laser capsulotomy;

10 (bb) laser peripheral iridotomy; and

11 (cc) laser trabeculoplasty; and

12 (III) the following injections:

13 (aa) injections of therapeutic pharmaceutical agents into the
14 eyelid or its adnexa, including into the subconjunctival space, and including
15 injections for the removal of chalazia and injections to administer local
16 anesthesia;

17 (bb) injections to perform fluorescein angiography;

18 (cc) injections of epinephrine for treatment of anaphylactic
19 shock; and

20 (dd) if authorized by the Commissioner of Health during a
21 public health emergency, vaccinations for systemic health reasons.

(b)(1) The Board shall consist of ~~five~~ seven members, ~~three~~ four of whom shall be residents of the State who have had at least five years' experience in the practice of optometry in the State and are in the active practice of optometry at the time of their appointment; one member who shall be a resident of the State who has at least five years' experience in the practice of ophthalmology and is in the active practice of ophthalmology at the time of appointment; and two members who shall be representatives of the public, who shall be residents of the State for five years, and who shall have no financial interest in the profession other than as a consumer or potential consumer of its services.

(2) Beginning on January 1, 2031, at least one of the optometrist members of the Board shall hold an advanced therapeutic procedures specialty issued pursuant to subchapter 5 of this chapter.

* * *

1 Sec. 2. 26 V.S.A. § 1716a is amended to read:

2 § 1716a. RENEWAL

3 (a) Licenses shall be renewed every two years upon payment of the
4 required fee, provided that the person applying for renewal completes at least
5 40 hours of continuing education, approved by the Board, during the preceding
6 two-year period and holds a current cardiopulmonary resuscitation
7 certification.

8 (b) Licenseses holding an advanced therapeutic procedures specialty
9 pursuant to subchapter 5 of this chapter shall, during each two-year licensure
10 period, complete an additional five hours of continuing education, approved by
11 the Board, in the advanced procedures.

12 Sec. 3. 26 V.S.A. § 1720 is added to read:

13 § 1720. PROHIBITED PRACTICES

1 (a) An optometrist shall not perform any ophthalmic surgeries, with or
2 without the use of lasers, or injection procedures, other than those set forth in
3 subdivision 1703(2)(A)(vi) of this chapter. This prohibition includes the
4 following procedures, which an optometrist is prohibited from performing:

5 (1) retinal laser procedures, laser-assisted in situ keratomileusis
6 (LASIK), photorefractive keratectomy, laser epithelial keratomileusis, or any
7 forms of refractive surgery;

8 (2) penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;

9 (3) the administration of general anesthesia;

10 (4) surgery done with general anesthesia;

11 (5) laser or nonlaser injection in the posterior or vitreous chamber of the
12 eye to treat any macular or retinal disease;

13 (6) surgery related to removal of the eye or adnexa, including the
14 eyeball, from a living human being;

15 (7) surgery requiring full-thickness incision or excision of the cornea or
16 sclera other than paracentesis in an emergency situation requiring immediate
17 reduction of the pressure inside the eye;

18 (8) surgery requiring incision of the iris and ciliary body, including iris
19 diathermy or cryotherapy;

20 (9) surgery requiring the incision or removal of the vitreous;

21 (10) surgery requiring incision of the retina;

- 1 (11) surgical extraction of the crystalline lens;
- 2 (12) surgical intraocular lens implants;
- 3 (13) incisional or excisional surgery of the extraocular muscles;
- 4 (14) surgery of the eyelid for suspected malignancies, for cosmetic
5 purposes, or for cosmetic or mechanical repair of blepharochalasis, ptosis, and
6 tarsorrhaphy;
- 7 (15) surgery for the removal of lesions involving the eyelid margin,
8 lacrimial supply, or drainage systems;
- 9 (16) repair of an eyelid laceration larger than 2.5 centimeters, deeper
10 than the orbicularis muscle, or involving the eyelid margin or lacrimial
11 drainage structures;
- 12 (17) surgery of the bony orbit, including orbital implants;
- 13 (18) incisional or excisional surgery of the lacrimial system other than
14 probing or related procedures;
- 15 (19) surgery requiring full-thickness conjunctivoplasty with graft or
16 flap;
- 17 (20) pterygium surgery;
- 18 (21) ionizing radiation;
- 19 (22) intraocular injections penetrating the globe; and
- 20 (23) retrobulbar or intraorbital injections.

1 set forth in subdivision 1703(2)(A)(vi) of this chapter. The Board may grant
2 an advanced therapeutic procedures specialty to an applicant who:

3 (1) is licensed as an optometrist pursuant to subchapter 3 of this chapter;

4 (2) meets the applicable requirements for education and demonstrated
5 competency set forth in subsections (b) and (c) of this section; and

6 (3) has completed the examination requirements set forth in subsection
7 (d) of this section.

8 (b) Educational requirements.

9 (1) In order to obtain an advanced therapeutic procedures specialty, an
10 optometrist who graduated from an optometric school or college prior to 2019
11 shall have completed a postgraduate course sponsored by an organization
12 approved by the Board of Optometry that had a minimum duration of 32 hours
13 and included the following didactic classroom instruction:

14 (A) laser physics, hazards, and safety;

15 (B) biophysics of lasers;

16 (C) laser application in clinical optometry;

17 (D) laser-tissue interactions;

18 (E) laser indications, contraindications, and potential complications;

19 (F) gonioscopy;

20 (G) laser therapy for open-angle glaucoma;

21 (H) laser therapy for angle closure glaucoma;

- 1 (I) posterior capsulotomy;
- 2 (J) common complications involving lids, lashes, and the lacrimal
- 3 system;
- 4 (K) medicolegal aspects of anterior segment procedures;
- 5 (L) peripheral iridotomy;
- 6 (M) laser trabeculoplasty;
- 7 (N) minor surgical procedures;
- 8 (O) overview of surgical instruments, asepsis, and occupational
- 9 safety and health considerations;
- 10 (P) surgical anatomy of the eyelids;
- 11 (Q) emergency surgical procedures;
- 12 (R) chalazion management;
- 13 (S) techniques for and complications with local anesthesia;
- 14 (T) anaphylaxis and other emergencies that may occur in an office
- 15 setting;
- 16 (U) radiofrequency surgery;
- 17 (V) postoperative wound care; and
- 18 (W) clinical or laboratory experience that includes both video
- 19 demonstration and in vitro observation or participation.

1 (2) An optometrist who graduated from an optometric school or college
2 in 2019 or later shall not be required to complete additional postgraduate
3 coursework in order to obtain an advanced therapeutic procedures specialty.

4 (c) Preceptorship requirements; competency demonstration.

5 (1) In order to demonstrate competency for an advanced therapeutic
6 procedures specialty, an optometrist shall complete a preceptorship during
7 which the optometrist gains at least eight hours of clinical training that is
8 supervised by a preceptor and demonstrates clinical proficiency with hands-on
9 experience performing the following procedures on live, human patients:

10 (A) at least two laser trabeculoplasties;

11 (B) at least two posterior capsulotomies;

12 (C) at least two laser peripheral iridotomies;

13 (D) at least two chalazion excisions;

14 (E) at least two chalazion intralesional injections; and

15 (F) at least two excisions or drainages of an authorized lesion of two
16 millimeters or greater in size.

17 (2) The preceptor shall be either:

18 (A) an optometrist with a substantially similar scope of practice who
19 has been licensed in Vermont or any other U.S. jurisdiction to provide the
20 advanced procedures set forth in subdivision 1703(2)(A)(vi) of this chapter for
21 at least three years; or

1 (B) an ophthalmologist.

2 (3) The preceptorship shall involve direct and in-person supervision of
3 the optometrist by the preceptor.

4 (4) The preceptorship shall take place in a state in which the preceptor is
5 licensed and authorized to perform the advanced procedures.

6 (5) The preceptor shall certify that the optometrist has competently
7 completed the required procedures and provide a log of the completed
8 procedures to the Board.

9 (d) Examination requirements. The applicant shall successfully pass
10 written and clinical examinations administered by the National Board of
11 Examiners in Optometry (NBEO), including the NBEO Injections Skill
12 Examination (ISE), the NBEO Laser and Surgical Procedures Examination
13 (LSPE), and any other examination required by the Board by rule.

14 (e) Advanced therapeutic procedures specialty by endorsement.

15 (1) The Board may issue an advanced therapeutic procedures specialty
16 to an applicant who is licensed and in good standing in another U.S.
17 jurisdiction and who:

18 (A) has an expanded scope of practice that is substantially equivalent
19 to or broader than the expanded scope of practice permitted by this subchapter;
20 and

1 (B) has been in good standing in the expanded scope of practice in
2 the other jurisdiction for at least three years.

3 (2) An optometrist whose advanced therapeutic procedures specialty
4 was issued by endorsement pursuant to this subsection may serve as a
5 preceptor in this State.

6 § 1725. REPORTING REQUIREMENTS

7 An optometrist shall report any adverse event related to an advanced
8 procedure within 30 days following the event.

9 Sec. 5. 26 V.S.A. § 1727 is redesignated to read:

10 § ~~1727~~ 1705. EXPIRATION DATE

11 Sec. 6. EFFECTIVE DATE

This act shall take effect on ~~January 1, 2027~~ *July 1, 2028*.