

1 S.64

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

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

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

5 § 1703. DEFINITIONS

6 As used in this chapter:

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

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

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

11 ~~(i)~~(I) diagnosing refractive and functional ability; or

12 ~~(ii)~~(II) diagnosing the presence of eye and adnexa disease or

13 injury, treating the disease or injury with the appropriate therapeutic

14 pharmaceutical agents and procedures in accordance with this chapter, and

15 making referrals to the appropriate health care provider when warranted.

16 ~~(B)~~(ii) 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)~~(I) prescribing and using ophthalmic lenses, prisms,

20 autorefractor or other automatic testing devices, frames, ophthalmic aids, and

21 prosthetic materials as consistent with the health of the eye;

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

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

4 ~~(C)~~(iii) Prescribing and administering appropriate therapeutic
5 pharmaceutical agents, as defined in this section, for the diagnosis,
6 management, and treatment of the eye and adnexa.

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

10 ~~(E)~~(v) Managing the following types of glaucoma in patients who are
11 16 years of age or older:

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

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

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

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

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

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

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

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

3 (aa) excision and repair of nonrecurrent chalazia;

4 (bb) excision and biopsy of nonrecurrent lesions of the
5 adnexa without characteristics or obvious signs of malignancy, excluding any
6 lesion involving the eyelid margin, involving the lacrimal supply or drainage
7 systems, deeper than the orbicularis muscle, or larger than five millimeters in
8 diameter;

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

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

13 (ee) corneal crosslinking;

14 (II) the following laser procedures:

15 (aa) laser capsulotomy;

16 (bb) laser peripheral iridotomy; and

17 (cc) laser trabeculoplasty; and

18 (III) the following injections:

19 (aa) injections of therapeutic pharmaceutical agents into the
20 eyelid or its adnexa, including into the subconjunctival space, and including

1 injections for the removal of chalazia and injections to administer local
2 anesthesia;

3 (bb) injections to perform fluorescein angiography;

4 (cc) injections of epinephrine for treatment of anaphylactic
5 shock; and

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

8 (B) The practice of optometry does not include performing any of the
9 practices set forth in section 1720 of this chapter.

10 * * *

11 (6) “Adverse event” means any untoward incident, therapeutic
12 misadventure, iatrogenic injury, or other undesirable outcome directly
13 associated with care or services provided by a health care provider or a health
14 care facility, as those terms are defined in 18 V.S.A. § 9402.

15 (7)(A) “Therapeutic pharmaceutical agent” means any prescription or
16 nonprescription drug used or prescribed for the diagnosis, prevention,
17 treatment, or mitigation of abnormal conditions and pathology of the human
18 eye or its adnexa.

19 (B) “Therapeutic pharmaceutical agent” does not include:

20 (i) any drug or other substance that must be administered by
21 intraocular injection or intraocular implementation, except as authorized by

1 subdivision (2)(A)(vi)(III) of this section for an optometrist holding an
2 advanced therapeutic procedures specialty issued pursuant to subchapter 5 of
3 this chapter; or

4 (ii) any drug or other substance that is prohibited under subsection
5 1720(b) of this chapter.

6 Sec. 1a. 26 V.S.A. § 1707 is amended to read:

7 § 1707. QUALIFICATIONS; TERM OF OFFICE; REMOVAL

8 (a) The State Board of Optometry is created.

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

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

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

§ 1716a. RENEWAL

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

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

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

§ 1720. PROHIBITED PRACTICES

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

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

- 1 (2) penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;
- 2 (3) the administration of general anesthesia;
- 3 (4) surgery done with general anesthesia;
- 4 (5) laser or nonlaser injection in the posterior or vitreous chamber of the
5 eye to treat any macular or retinal disease;
- 6 (6) surgery related to removal of the eye or adnexa, including the
7 eyeball, from a living human being;
- 8 (7) surgery requiring full-thickness incision or excision of the cornea or
9 sclera other than paracentesis in an emergency situation requiring immediate
10 reduction of the pressure inside the eye;
- 11 (8) surgery requiring incision of the iris and ciliary body, including iris
12 diathermy or cryotherapy;
- 13 (9) surgery requiring the incision or removal of the vitreous;
- 14 (10) surgery requiring incision of the retina;
- 15 (11) surgical extraction of the crystalline lens;
- 16 (12) surgical intraocular lens implants;
- 17 (13) incisional or excisional surgery of the extraocular muscles;
- 18 (14) surgery of the eyelid for suspected malignancies, for cosmetic
19 purposes, or for cosmetic or mechanical repair of blepharochalasis, ptosis, and
20 tarsorrhaphy;

1 (15) surgery for the removal of lesions involving the eyelid margin,
2 lacrimonal supply, or drainage systems;

3 (16) repair of an eyelid laceration larger than 2.5 centimeters, deeper
4 than the orbicularis muscle, or involving the eyelid margin or lacrimonal drainage
5 structures;

6 (17) surgery of the bony orbit, including orbital implants;

7 (18) incisional or excisional surgery of the lacrimonal system other than
8 probing or related procedures;

9 (19) surgery requiring full-thickness conjunctivoplasty with graft or
10 flap;

11 (20) pterygium surgery;

12 (21) ionizing radiation;

13 (22) intraocular injections penetrating the globe; and

14 (23) retrobulbar or intraorbital injections.

15 (b)(1) An optometrist shall not prescribe or administer a drug or other
16 substance that is listed as a Schedule I or II controlled substance pursuant to
17 the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., as amended,
18 except as set forth in subdivision (2) of this subsection.

19 (2) Notwithstanding subdivision (1) of this subsection, an optometrist
20 may prescribe or administer hydrocodone in combination with analgesics,

1 provided that an optometrist shall not prescribe more than a 72-hour supply of
2 hydrocodone and shall not provide any refills of the prescription.

3 Sec. 4. 26 V.S.A. chapter 30, subchapter 5 is amended to read:

4 Subchapter 5. ~~Diagnostic Pharmaceutical Agents~~ Advanced Therapeutic
5 Procedures Specialty

6 § 1723. ADVANCED THERAPEUTIC PROCEDURES SPECIALTY

7 An optometrist who is licensed pursuant to subchapter 3 of this chapter may
8 apply for an advanced therapeutic procedures specialty that authorizes the
9 optometrist to perform the advanced therapeutic procedures set forth in
10 subdivision 1703(2)(A)(vi) of this chapter.

11 § 1724. QUALIFICATIONS FOR ADVANCED THERAPEUTIC
12 PROCEDURES SPECIALTY

13 (a) Generally. An optometrist shall obtain an advanced therapeutic
14 procedures specialty in order to perform the advanced therapeutic procedures
15 set forth in subdivision 1703(2)(A)(vi) of this chapter. The Board may grant
16 an advanced therapeutic procedures specialty to an applicant who:

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

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

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

1 (b) Educational requirements.

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

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

8 (B) biophysics of lasers;

9 (C) laser application in clinical optometry;

10 (D) laser-tissue interactions;

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

12 (F) gonioscopy;

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

14 (H) laser therapy for angle closure glaucoma;

15 (I) posterior capsulotomy;

16 (J) common complications involving lids, lashes, and the lacrimal
17 system;

18 (K) medicolegal aspects of anterior segment procedures;

19 (L) peripheral iridotomy;

20 (M) laser trabeculoplasty;

21 (N) minor surgical procedures;

1 (O) overview of surgical instruments, asepsis, and occupational
2 safety and health considerations;

3 (P) surgical anatomy of the eyelids;

4 (Q) emergency surgical procedures;

5 (R) chalazion management;

6 (S) techniques for and complications with local anesthesia;

7 (T) anaphylaxis and other emergencies that may occur in an office
8 setting;

9 (U) radiofrequency surgery;

10 (V) postoperative wound care; and

11 (W) clinical or laboratory experience that includes both video
12 demonstration and in vitro observation or participation.

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

16 (c) Preceptorship requirements; competency demonstration.

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

- 1 (A) at least two laser trabeculoplasties;
- 2 (B) at least two posterior capsulotomies;
- 3 (C) at least two laser peripheral iridotomies;
- 4 (D) at least two chalazion excisions;
- 5 (E) at least two chalazion intralesional injections; and
- 6 (F) at least two excisions or drainages of an authorized lesion of two
7 millimeters or greater in size.

8 (2) The preceptor shall be either:

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

13 (B) an ophthalmologist.

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

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

18 (5) The preceptor shall certify that the optometrist has competently
19 completed the required procedures and provide a log of the completed
20 procedures to the Board.

1 (d) Examination requirements. The applicant shall successfully pass
2 written and clinical examinations administered by the National Board of
3 Examiners in Optometry (NBEO), including the NBEO Injections Skill
4 Examination (ISE), the NBEO Laser and Surgical Procedures Examination
5 (LSPE), and any other examination required by the Board by rule.

6 (e) Advanced therapeutic procedures specialty by endorsement.

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

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

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

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

18 § 1725. REPORTING REQUIREMENTS

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

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

2 § ~~1727~~ 1705. EXPIRATION DATE

3 Sec. 6. EFFECTIVE DATE

4 This act shall take effect on July 1, 2028.