

**S.64 – Rep. Stone amendment for committee discussion**

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

## § 1703. DEFINITIONS

As used in this chapter:

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

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

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

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

~~(ii)~~(II) diagnosing the presence of eye and adnexa disease or injury, treating the disease or injury with the appropriate therapeutic pharmaceutical agents and procedures in accordance with this chapter, and making referrals to the appropriate health care provider when warranted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) excision and repair of nonrecurrent chalazia;

(bb) excision and biopsy of nonrecurrent lesions of the adnexa without characteristics or obvious signs of malignancy, excluding any lesion involving the eyelid

margin, involving the lacrimal supply or drainage systems, deeper than the orbicularis muscle, or larger than five millimeters in diameter;

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

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

(ee) corneal crosslinking; and

(II) the following laser procedures:

(aa) laser capsulotomy;

(bb) laser peripheral iridotomy; and

(cc) laser trabeculoplasty; and

(III) the following injections:

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

(bb) injections to perform fluorescein angiography;

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

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

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

\* \* \*

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

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

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

(i) any drug or other substance that must be administered by intraocular injection or intraocular implementation, except as authorized by subdivision (2)(A)(vi)(II) of this section for an optometrist holding an advanced therapeutic procedures specialty issued pursuant to subchapter 5 of this chapter; or

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

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) Licensees 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 of Medical Practice, 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;

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

(3) the administration of general anesthesia;

(4) surgery done with general anesthesia;

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

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

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

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

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

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

(2) Notwithstanding subdivision (1) of this subsection, an optometrist may prescribe or administer hydrocodone in combination with analgesics, provided that an optometrist shall not prescribe more than a 72-hour supply of hydrocodone and shall not provide any refills of the prescription.

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

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

§ 1723. ADVANCED THERAPEUTIC PROCEDURES SPECIALTY

An optometrist who is licensed pursuant to subchapter 3 of this chapter may apply **to the Board of Medical Practice** for an advanced therapeutic procedures specialty that authorizes the optometrist to perform the advanced therapeutic procedures set forth in subdivision 1703(2)(A)(vi) of this chapter **in accordance with a practice agreement between the optometrist and an ophthalmologist.**

§ 1724. QUALIFICATIONS FOR ADVANCED THERAPEUTIC  
PROCEDURES SPECIALTY

(a) Generally. An optometrist shall obtain an advanced therapeutic procedures specialty in order to perform the advanced therapeutic procedures set forth in subdivision 1703(2)(A)(vi) of this chapter. The Board **of Medical Practice, in consultation with**

**the Board of Optometry,** may grant an advanced therapeutic procedures specialty to an applicant who:

(1) is licensed as an optometrist pursuant to subchapter 3 of this chapter;  
 (2) meets the applicable requirements for education and demonstrated competency set forth in subsections (b) and (c) of this section; **and**

(3) has completed the examination requirements set forth in subsection (d) of this section; **and**

**(4) files with the Boards of Medical Practice and of Optometry a practice agreement as set forth in subsection (e) of this section and a transfer plan as set forth in subsection (f) of this section.**

(b) Educational requirements.

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

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

~~(B) biophysics of lasers;~~

~~(C) laser application in clinical optometry;~~

~~(D) laser tissue interactions;~~

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

(A) gonioscopy;

~~(G) laser therapy for open angle glaucoma;~~

~~(H) laser therapy for angle closure glaucoma;~~

~~(I) posterior capsulotomy;~~

~~(B) common complications involving lids, lashes, and the lacrimal system;~~

~~(C) medicolegal aspects of anterior segment procedures;~~

~~(L) peripheral iridotomy;~~

~~(M) laser trabeculoplasty;~~

~~(D) minor surgical procedures;~~

~~(E) overview of surgical instruments, asepsis, and occupational safety and~~

health considerations;

~~(F) surgical anatomy of the eyelids;~~

~~(G) emergency surgical procedures;~~

~~(H) chalazion management;~~

~~(I) techniques for and complications with local anesthesia;~~

~~(J) anaphylaxis and other emergencies that may occur in an office setting;~~

~~(K) radiofrequency surgery;~~

~~(L) postoperative wound care; and~~

~~(M) clinical or laboratory experience that includes both video demonstration~~

and in vitro observation or participation.

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

(c) Preceptorship requirements; competency demonstration.

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

~~(A) at least two laser trabeculectomies;~~

~~(B) at least two posterior capsulotomies;~~

~~(C) at least two laser peripheral iridotomies;~~

(A) at least ~~two~~ 12 chalazion excisions;

(B) at least ~~two~~ 12 chalazion intralesional injections; and

(C) at least ~~two~~ 12 excisions or drainages of an authorized lesion of two millimeters or greater in size.

(2) The preceptor shall be either:

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

(B) an ophthalmologist.

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

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

(5) The preceptor shall certify that the optometrist has competently completed the required procedures and provide a log of the completed procedures to the Board of **Medical Practice.**

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

**(e) Practice agreement.**

**(1) An optometrist may hold an advanced therapeutic procedures specialty and perform the advanced therapeutic procedures set forth in subdivision 1703(2)(A)(vi) of this chapter only if the optometrist has entered into a written practice agreement with an ophthalmologist licensed pursuant to chapter 23 or 33 of this title or with a Vermont-based ophthalmology practice at which one or more ophthalmologists licensed pursuant to chapter 23 or 33 of this title practices, which shall include all of the following:**

**(A) processes for ophthalmologist communication, availability, decision making, and periodic joint evaluation of services delivered when providing medical care to a patient;**

**(B) a plan to have an ophthalmologist available for consultation at all times when the optometrist is performing or preparing to perform an advanced therapeutic procedure; and**

**(C) the signatures of the optometrist and the ophthalmologist or authorized representative of the ophthalmology practice.**

**(2) The practice agreement shall be reviewed by the optometrist and either the ophthalmologist or a representative of the ophthalmology practice, at a minimum, at the time of the optometrist's license renewal.**

**(3) The practice agreement shall be filed with the Board of Medical Practice and the Board of Optometry in the form and manner required by the Board of Medical Practice.**

**(4) Nothing in this section shall be construed to require the physical presence of an ophthalmologist at the time and place at which an optometrist performs an advanced therapeutic procedure.**

**(5) Optometrists are responsible for their own medical decision making. An ophthalmologist or ophthalmology practice in a practice agreement with an optometrist under this subsection shall not, by the existence of the practice agreement alone, be legally liable for the actions or inactions of the optometrist; provided, however, that this does not otherwise limit the liability of the ophthalmologist or ophthalmology practice.**

**(f) Transfer plan. An optometrist may hold an advanced therapeutic procedures specialty and perform the advanced therapeutic procedures set forth in subdivision 1703(2)(A)(vi) of this chapter only if the optometrist has in place a written plan for transferring a patient to the nearest hospital or to another nearby qualified health care provider or facility, as determined by the Board of Medical Practice, should an adverse event occur in connection with an advanced therapeutic procedure. The**

**plan shall be filed with the Board of Medical Practice and the Board of Optometry in the form and manner required by the Board of Medical Practice.**

(g) Advanced therapeutic procedures specialty by endorsement.

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

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

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

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

#### § 1725. REPORTING REQUIREMENTS

(a) An optometrist shall report any adverse event related to an advanced procedure to the Boards of Optometry and of Medical Practice within 30 days following the event.

(b) Every two years, as part of the license renewal process, each optometrist holding an advanced therapeutic procedures specialty shall report to the Boards of Optometry and of Medical Practice the number of each of the procedures set forth in subdivision 1703(2)(A)(vi) of this chapter that the optometrist performed during the previous licensure period.

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

§ ~~1727~~ 1705. EXPIRATION DATE

**Sec. 6. 33 V.S.A. § 1901h is added to read:**

**§ 1901h. MEDICAID COVERAGE FOR SERVICES DELIVERED BY  
OPTOMETRIST HOLDING ADVANCED THERAPEUTIC  
PROCEDURES SPECIALTY**

**Vermont Medicaid shall cover services that are within the scope of practice of an optometrist holding an advanced therapeutic procedures specialty issued pursuant to 26 V.S.A. chapter 30, subchapter 5 to the same extent that the services would be covered if they were delivered by a physician licensed pursuant to 26 V.S.A. chapter 23 or 33.**

**Sec. 7. MEDICAID COVERAGE; STATE PLAN AMENDMENT**

**The Department of Vermont Health Access shall seek a state plan amendment from the Centers for Medicare and Medicaid Services to take effect on July 1, 2028, to allow Vermont's Medicaid program to provide coverage for services delivered by an optometrist who is a Medicaid participating provider and holds an advanced therapeutic procedures specialty as set forth in 33 V.S.A. § 1901h, as added by this act.**

**Sec. 8. EFFECTIVE DATES**

**(a) Sec. 7 (Medicaid coverage; state plan amendment) and this section shall take effect on passage.**

**(b) Sec. 6 (33 V.S.A. § 1901h) shall take effect on the later of July 1, 2028, or approval of the state plan amendment requested pursuant to Sec. 7.**

**(c) ~~This act~~ The remaining sections shall take effect on July 1, 2028.**