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To: Hon. Brian Collamore, Chair
Senate Committee on Government Operations

From: S. Lauren Hibbert, Deputy Secretary of State

Re: S.64 – An act relating to amendments to the scope of practice for optometrists

Dear Committee,

Thank you for inviting me to testify today.

The Office of Professional Regulation was asked to complete a sunrise report in 2019 related to expanding the scope of practice for optometrists. At that time the Office did not recommend expansion of the scope of practice for optometrists. Subsequently, in 2023, we asked to reevaluate if OPR could support the expansion of scope as a revision to its 2019 Optometry Report.

In applying a Chapter 57 standard of review, OPR found that creating an *Advanced Therapeutics Procedures Specialty* was the most appropriate and safest way to allow for an expanded scope of optometric practice. OPR stands by the recommendations made in the 2023 report.

What Does this Scope Expansion Mean?

The expanded scope includes specific injections and certain laser and non-laser surgical procedures. Only optometrists with the Advanced Therapeutics Procedures Specialty license should be permitted to perform these advanced procedures.

Permitted procedures fall under three main categories: surgery and restoration of tissue, laser procedures, and injection. Optometrists should be limited to the named procedures in the statute when they obtain the Advanced Therapeutics Procedures Specialty allowing them to practice within the expanded scope. Only those with the Specialty may perform the following procedures:

- 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 procedure, which is the use of medication and ultraviolet light to make the tissues of the cornea stronger;
- the following laser procedures:
 - (aa) laser capsulotomy;
 - (bb) laser peripheral iridotomy; and
 - (cc) laser trabeculoplasty; and
- 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.

What Would be Required to Qualify for the Advanced Therapeutics Procedures Specialty?

The Office supports scope expansion because it found that with the correct training, preceptorship, and examination an optometrist would be adequately prepared to perform a limited set of procedures. OPR would only issue the Advanced Therapeutic Procedures Specialty after an applicant demonstrates the following:

1. Required coursework for licensees who graduated from optometry school before 2019:

An optometrist who graduated before 2019 would have to complete a 32-hour didactic course that includes the enumerated competencies:

- (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
- (f) Gonioscopy
- (g) Laser therapy for open angle glaucoma
- (h) Laser therapy for angle closure glaucoma
- Posterior capsulotomy
- (j) Common complications: lids, lashes, lacrimal system
- (k) Medicolegal aspects of anterior segment procedures
- (l) Peripheral iridotomy

- (m) Laser trabeculectomy
- (n) Minor surgical procedures
- (o) Overview of surgical instruments, asepsis, and OSHA
- (p) Surgical anatomy of the eyelids
- (q) Emergency surgical procedures
- (r) Chalazion management
- (s) Local anesthesia: techniques and complications
- (t) Anaphylaxis and other office emergencies
- (u) Radiofrequency surgery
- (v) Post-operative wound care
- (w) Clinical or laboratory experience containing: (i) Video demonstration (ii) In vitro observation or participation

2. Required Post-degree preceptorship:

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 hours of clinical training performing the following procedures on live, human patients. This is the most notable change from our recommendations in 2023 when we recommended a 100-hour preceptorship. The following procedures must be done during the preceptorship:

- (A) at least two laser trabeculectomies;
- (B) at least two posterior capsulotomies;
- (C) at least two laser peripheral iridotomies;
- (D) at least two chalazion excisions;
- (E) at least two chalazion intralesional injections;
- (F) at least two excisions OR drainages of an authorized lesion of two millimeters or greater in size.

Other requirements of the post-degree preceptorship:

- *Qualification of the preceptor:* The preceptor shall be an optometrist licensed in Vermont or any other U.S. jurisdiction with a substantially similar scope of practice to provide the advanced procedures for at least three years or an ophthalmologist.
- *Preceptor supervision:* The preceptorship shall involve direct and in-person supervision of the optometrist by the preceptor.
- *Location of preceptorship:* The preceptorship shall take place in a state where the preceptor is licensed and authorized to perform the advanced procedures.
- *Certification requirement:* The preceptor shall certify that the optometrist has competently completed the required procedures and shall provide a log of the completed procedures to the Board.

3. Required Examinations:

The National Board of Examiners of Optometry (NBE) Injections Skill Examination (ISE) and Laser and Surgical Procedures Examination (LPSE) are required. Both examinations test the clinical skills

necessary to hold a Specialty license. All optometrists seeking the specialty license would be required to take these exams regardless of when they graduated from optometry school.

- **LPSE: Laser and Surgical Procedures Exam**
 - Designed to assess optometric cognitive ability to appropriately manage and perform certain laser and surgical skills.
 - LSPE is a stand-alone elective exam offered to 4th year optometric students, optometric residents, and optometric practitioners administered at NCCTO.
 - It is a hybrid examination consisting of both a clinical skills portion and a multiple-choice portion which is administered in a computer-based testing (CBT) format.
- **ISE: Injections Skills Exam**
 - A clinical skills examination for optometry, requiring fundamental skills that reflect actual practice.
 - Testing facility exam rooms simulate optometric examination rooms and allow NBEO to provide the safety, security, and standardization necessary to ensure fairness and validity in a high-stake testing environment.

Currently, to hold a license under V.S.A. 26 Chapter 30, applicants must pass Parts I, II, III, and TMOD (Treatment and Management of Ocular Disease) of the NBEO examination. Subject matter tested in the TMOD include advanced procedures in a limited, non-clinical manner (i.e. multiple choice answer). OPR has determined this exam, in isolation, is insufficient and does not demonstrate competency to obtain the Advanced Therapeutic Procedures Specialty.

How Would an Out-of-State Licensee with an Expanded Scope of Practice Obtain a Vermont Advanced Therapeutic Procedures Specialty?

An out-of-state licensee who wants to practice in Vermont would need to apply for an Advanced Therapeutic Procedures Specialty Via Endorsement

- With this Specialty via Endorsement pathway, individuals already licensed in another U.S. jurisdiction with an expanded scope of practice *substantially equivalent to or broader than the expanded scope of practice permitted in this state* would apply to obtain a Specialty license without examination.
- The optometrist must be licensed in good standing in the expanded scope jurisdiction for at least three years.
- Individuals with a Specialty license obtained via endorsement may serve as a preceptor within Vermont.

What Would the Requirements be After an Optometrist Holds the Advanced Therapeutic Procedures Specialty?

Optometrists with the Specialty license performing permitted advanced procedures would be required to:

- Report the outcomes of all advanced procedures to OPR biennially, and to report adverse events to OPR immediately (within four weeks of the adverse event); and,
- Complete 5 additional continuing education hours on advanced therapeutic procedures for every 2-year specialty licensure renewal.