

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

6 Date:

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.

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

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

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

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

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

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

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

7 ~~(B)~~(ii) Diagnosing and correcting anomalies of the refractive and

8 functional ability of the visual system and the enhancement of visual

9 performance including the following:

10 ~~(i)~~(I) prescribing and using ophthalmic lenses, prisms,

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

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

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

14 ~~(iii)~~(III) administering visual training, vision therapy, orthoptics,

15 and pleoptics.

16 ~~(C)~~(iii) Prescribing and administering appropriate therapeutic

17 pharmaceutical agents, as defined in this section, for the diagnosis,

18 management, and treatment of the eye and adnexa.

19 ~~(D)~~(iv) Removing superficial foreign bodies from the eye and

20 adnexa; epilating the eyelashes, including by electrolysis; and punctal dilation,

21 lacrimal irrigation, and punctal plugs insertion.

1 ~~(E)~~(v) Managing the following types of glaucoma in patients who are
2 16 years of age or older:

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

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

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

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

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

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

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

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

14 (aa) excision and repair of nonrecurrent chalazia;

15 (bb) excision and biopsy of nonrecurrent lesions of the
16 adnexa without characteristics or obvious signs of malignancy, excluding any
17 lesion involving the eyelid margin, involving the lacrimal supply or drainage
18 systems, deeper than the orbicularis muscle, or larger than five millimeters in
19 diameter;

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

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

4 (ee) corneal crosslinking;

5 (II) the following laser procedures:

6 (aa) laser capsulotomy;

7 (bb) laser peripheral iridotomy; and

8 (cc) laser trabeculoplasty; and

9 (III) the following injections:

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

14 (bb) injections to perform fluorescein angiography;

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

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

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

21 * * *

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

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

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

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

15 (ii) any drug or other substance that is prohibited under subsection
16 1720(b) of this chapter.

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

18 § 1716a. RENEWAL

19 (a) Licenses shall be renewed every two years upon payment of the
20 required fee, provided that the person applying for renewal completes at least
21 40 hours of continuing education, approved by the Board, during the preceding

1 two-year period and holds a current cardiopulmonary resuscitation
2 certification.

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

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

8 § 1720. PROHIBITED PRACTICES

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

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

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

17 (3) the administration of general anesthesia;

18 (4) surgery done with general anesthesia;

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

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

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

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

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

9 (10) surgery requiring incision of the retina;

10 (11) surgical extraction of the crystalline lens;

11 (12) surgical intraocular lens implants;

12 (13) incisional or excisional surgery of the extraocular muscles;

13 (14) surgery of the eyelid for suspected malignancies, for cosmetic
14 purposes, or for cosmetic or mechanical repair of blepharochalasis, ptosis, and
15 tarsorrhaphy;

16 (15) surgery for the removal of lesions involving the eyelid margin,
17 lacrimal supply, or drainage systems;

18 (16) repair of an eyelid laceration larger than 2.5 centimeters, deeper
19 than the orbicularis muscle, or involving the eyelid margin or lacrimal drainage
20 structures;

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

1 (18) incisional or excisional surgery of the lacrimal system other than
2 probing or related procedures;

3 (19) surgery requiring full-thickness conjunctivoplasty with graft or
4 flap;

5 (20) pterygium surgery;

6 (21) ionizing radiation;

7 (22) intraocular injections penetrating the globe; and

8 (23) retrobulbar or intraorbital injections.

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

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

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

18 Subchapter 5. ~~Diagnostic Pharmaceutical Agents~~ Advanced Therapeutic

19 Procedures Specialty

20 § 1723. ADVANCED THERAPEUTIC PROCEDURES SPECIALTY

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

5 § 1724. QUALIFICATIONS FOR ADVANCED THERAPEUTIC
6 PROCEDURES SPECIALTY

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

- 11 (1) is licensed as an optometrist pursuant to subchapter 3 of this chapter;
12 (2) meets the applicable requirements for education and demonstrated
13 competency set forth in subsections (b) and (c) of this section; and
14 (3) has completed the examination requirements set forth in subsection
15 (d) of this section.

16 (b) Educational requirements.

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

- 1 (A) laser physics, hazards, and safety;
- 2 (B) biophysics of lasers;
- 3 (C) laser application in clinical optometry;
- 4 (D) laser-tissue interactions;
- 5 (E) laser indications, contraindications, and potential complications;
- 6 (F) gonioscopy;
- 7 (G) laser therapy for open-angle glaucoma;
- 8 (H) laser therapy for angle closure glaucoma;
- 9 (I) posterior capsulotomy;
- 10 (J) common complications involving lids, lashes, and the lacrimal
11 system;
- 12 (K) medicolegal aspects of anterior segment procedures;
- 13 (L) peripheral iridotomy;
- 14 (M) laser trabeculoplasty;
- 15 (N) minor surgical procedures;
- 16 (O) overview of surgical instruments, asepsis, and occupational
17 safety and health considerations;
- 18 (P) surgical anatomy of the eyelids;
- 19 (Q) emergency surgical procedures;
- 20 (R) chalazion management;
- 21 (S) techniques for and complications with local anesthesia;

1 (T) anaphylaxis and other emergencies that may occur in an office
2 setting;

3 (U) radiofrequency surgery;

4 (V) postoperative wound care; and

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

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

10 (c) Preceptorship requirements; competency demonstration.

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

16 (A) at least two laser trabeculoplasties;

17 (B) at least two posterior capsulotomies;

18 (C) at least two laser peripheral iridotomies;

19 (D) at least two chalazion excisions;

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

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

3 (2) The preceptor shall be either:

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

8 (B) an ophthalmologist.

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

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

13 (5) The preceptor shall certify that the optometrist has competently
14 completed the required procedures and provide a log of the completed
15 procedures to the Board.

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

21 (e) Advanced therapeutic procedures specialty by endorsement.

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

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

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

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

12 § 1725. REPORTING REQUIREMENTS

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

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

16 § ~~1727~~ 1705. EXPIRATION DATE

17 Sec. 6. EFFECTIVE DATE

18 This act shall take effect on January 1, 2027.