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**March 14, 2025**

**To: Hon. Virginia Lyons, Chair**  
**Senate Committee on Health and Welfare**

**From: S. Lauren Hibbert, Deputy Secretary of State**  
**Jennifer Colin, General Counsel, Office of Professional Regulation**

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

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Dear Committee Members:

Thank you for the opportunity to testify today about S.64 and optometry scope expansion to include advanced surgical, laser, and injection procedures.

In my testimony today, first I will provide the Committee with a brief overview of OPR's two studies, submitted in 2020 and 2023, assessing whether the optometry scope of practice should be expanded to allow a specialty authorizing the performance of advanced procedures. Then I will discuss the qualifications and requirements OPR recommends for the Advanced Therapeutic Procedures Specialty. Finally, I will briefly mention the next steps for OPR if the legislation passes.

#### **OPR's 2020 Study of Optometric Advanced Procedures**

As you know, in Act 30 of 2019, the General Assembly directed the Office of Professional Regulation to conduct a regulatory review to "evaluate the safety and public health needs of enlarging the scope of practice of optometrists to include advanced procedures." OPR submitted the study in January 2020. In its report, OPR documented a significant challenge in assessing the proposed scope expansion, namely that none of the 21 schools of optometry that OPR contacted to learn about the training and education of optometrists responded sufficiently to OPR's request for information. Furthermore, after soliciting patient feedback through Vermont-licensed optometrists, only a handful of optometry patients shared with OPR experiences of delay in or difficulty accessing the proposed advanced procedures in Vermont from ophthalmologists. Thus, OPR was not able to conclude that: (1) optometrists had the necessary training and education to safely perform advanced procedures or (2) Vermont patients needed expanded access to the proposed advanced procedures. For these reasons and others listed in the [2020 Report](#), OPR recommended against the proposed scope expansion.

## **2022 SGO Request for a Revised Report and Proposed Scope Expansion Language**

During the 2022 legislative session, the Senate Government Operations Committee heard testimony regarding optometry scope expansion and concluded that the scope expansion should be pursued. The SGO Committee asked OPR to revise its 2020 report and specified five criteria for OPR to evaluate, including: testimony provided to the Committee, scope expansions in other states and how those states ensure public protection, scope expansion in the Veterans Administration, and other information that was to be provided by the Vermont Optometric Association and the American Optometric Association. In addition, the Committee asked OPR to identify what proposed scope expansion language the Agency would support. In light of OPR's mandate to protect the public, the SGO's request for proposed expansion language was viewed as a request for language that would allow optometrists to perform some or all of the expanded procedures in a manner that protects the public from harm.

## **OPR's 2023 Optometry Scope of Practice Report**

### **Process**

To determine what, if any, legislative language would appropriately satisfy the request, OPR thoroughly reviewed the sources and testimony provided to the SGO Committee, as well as the additional materials submitted by stakeholders and the public. OPR conducted additional research and engaged in extensive discussions with stakeholders and the public. From June through October 2023, OPR met individually with the Vermont Optometric Association (VOA) and the Vermont Medical Society/Vermont Ophthalmological Society (VMS/VOS) several times. OPR also met with the Vermont Board of Optometry four times during this period to understand their perspective on scope expansion and to garner feedback regarding OPR's proposed legislative language. OPR also held two public hearings to provide members of the public a forum to share their thoughts about the proposed scope expansion. Seventy-two people attended the public hearings. Public written comments were also submitted via email and reviewed by OPR. Importantly, for the revised report, OPR did finally obtain much needed information regarding educational programs, their components and standards to better understand the preparation pathway for optometrists pursuing the advanced procedures scope expansion. Significantly, OPR found that there is a difference in optometry education provided prior to 2019 as opposed to post-2019. After 2019, the skills and procedures within the proposed advanced therapeutic procedures specialty are widely taught within a standard optometry graduate program.

### **Findings and Recommendations**

In October 2023, OPR submitted its [Optometry Scope of Practice Report](#) to the legislature. In the Report, OPR found that optometrists with adequate education, experience, and examination could safely perform specific injection, laser, and surgical procedures. OPR recommended a scope expansion authorizing the issuance of an Advanced Therapeutic Procedures Specialty, including the following procedures:

1. **Surgery** - to remove lesions from the eye and adnexa and the accompanied restoration of tissue, including only the following:

- excision and repair of nonrecurrent chalazia;
- 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;

- closure of wounds resulting from removal of a lesion;
- 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
- corneal crosslinking procedure, which is the use of medication and ultraviolet light to make the tissues of the cornea stronger.

## 2. Laser Procedures:

- laser capsulotomy;
- laser peripheral iridotomy; and
- laser trabeculoplasty.

## 3. Injections:

- 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;
- injections to perform fluorescein angiography
- injections of epinephrine for treatment of anaphylactic shock; and
- if authorized by the Commissioner of Health during a public health emergency, vaccinations for systemic health reasons.

OPR recommended the following qualifications to issue the Specialty for Advanced Procedures:

- Hold an optometrist license in Vermont.
- Complete a post-graduate residency with, at minimum, simulated experience in the advanced procedures.
- Complete a preceptorship with a qualified preceptor who directly supervises the optometrist in performing specified procedures on live human patients.
- Successfully pass the National Board of Examiners of Optometry Injections Skills Examination and Laser and Surgical Procedures Examination. These examinations test the clinical skills and education necessary to hold a specialty license.
- Additionally, for optometrists that graduated before advanced procedures coursework was a part of the optometry school and college curricula, completion of a 32-hour post-graduate course in the advanced procedures.

OPR further recommended that optometrists with the specialty must report to OPR every two years the outcomes of all advanced procedures performed, as well as any adverse events within three weeks of occurring. In conjunction with licensure renewal, optometrists with the specialty must complete an additional five hours of continuing education in the advanced procedures every two years. Finally, OPR recommended clarifying that optometrists with the specialty may prescribe and administer therapeutic pharmaceuticals but are prohibited from prescribing schedule I or II controlled drugs, except hydrocodone in combination with analgesics, which would be allowed in minimal quantity.

### **OPR's Position on the Proposed Language in S.64**

OPR supports the scope expansion and language in S.64, as the bill implements most of the recommendations from the 2023 Revised Report. Based on its research, the testimony, review of implementation in other states, and further discussions with the Vermont Optometric Association, OPR believes that the educational, experiential and examination requirements of the legislation will protect the public from harm as optometrists in Vermont embark on this expanded scope of advanced practice.

The primary differences between the recommendations in OPR's 2023 report and the proposed legislation are removal of the post-graduate residency and reduction of the preceptorship hours from 100 down to 8. OPR's reconsideration of these components came about through multiple conversations with the VOA, reconsideration of the hands-on experience gained in the procedures performed in the preceptorship, and the assurance that the two required examinations by National Board of Examiners of Optometry would adequately test the skills and education necessary to ensure public protection.

### **Implementation**

If S.64 passes, OPR will need to set up the infrastructure necessary to implement the legislation. This will include IT set up, rulemaking, staff time, and stakeholder outreach. OPR will need to provide a cost estimate and request funds from the General Fund. Because of other significant legislative projects in OPR's queue, we are concerned about the January 1, 2027 effective date, as we may not have rulemaking completed by this date. OPR requests to amend the effective date to no earlier than July 1, 2027.