

1 SB114
2 197891-1
3 By Senators Whatley, Ward, Holley, Scofield, Livingston,
4 Allen, Smitherman, McClendon and Singleton
5 RFD: Healthcare
6 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, the Alabama Board of
9 Optometry regulates and licenses optometrists in
10 the state.

11 This bill would define the scope of the
12 practice of optometry.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to optometrists, to amend Sections 34-22-1
19 and 34-22-42, Code of Alabama 1975; to define the appropriate
20 duties and procedures constituting the practice of optometry.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 34-22-1 and 34-22-42, Code of
23 Alabama 1975, are amended to read as follows:

24 "§34-22-1.

25 "For the purposes of this chapter, the following
26 terms shall have the respective meanings ascribed by this
27 section:

1 "(1) BOARD. The Alabama Board of Optometry. The
2 Alabama Board of Optometry shall be a certifying board as
3 defined in Section 20-2-2, except as limited by this chapter.

4 "(2) HUMAN EYE AND ITS ADJACENT STRUCTURES. The eye
5 and all structures situated within the orbit, including the
6 conjunctiva, lids, lashes, and ~~lachrymal~~ lacrimal system.

7 "(3) PHARMACEUTICAL AGENTS. Any diagnostic and
8 therapeutic drug or combination of drugs that has the property
9 of assisting in the diagnosis, prevention, treatment, or
10 mitigation of abnormal conditions or symptoms of the human eye
11 and its adjacent structures.

12 "(4) OPHTHALMIC SURGERY. A procedure upon the human
13 eye and its adjacent structures in which in vivo human tissue
14 is injected, cut, burned, frozen, sutured, vaporized,
15 coagulated, or photodisrupted by the use of surgical
16 instrumentation, including, but not limited to, a scalpel,
17 cryoprobe, laser, electric cautery, or ionizing radiation.
18 Nothing in this Chapter shall limit an optometrist's ability
19 to use diagnostic or therapeutic instruments utilizing laser
20 or ultrasound technology in the performance of eye care or
21 limit an optometrist's ability to perform ophthalmic surgery
22 procedures other than those specifically excluded in Section
23 5(b) of this chapter.

24 "~~(4)~~ (5) PRACTICE OF OPTOMETRY. The practice of
25 optometry is a learned profession involving the examination,
26 measurement by objective and subjective means, diagnosis,
27 treatment, and prevention of any departure from the normal of

1 the human eyes, their adjacent structures, and visual system.

2 ~~The practice of optometry~~

3 "a. The term includes, but is not limited to: The
4 adapting and fitting of all types of lenses or devices,
5 including, contact lenses; the determination of refractive
6 error and shape of the eye and visual, muscular, or anatomical
7 anomalies of the eye through the use of any means, including
8 the use of any self testing devices and the use of any
9 computerized or automatic refracting device; the determination
10 and prescribing of spectacle or contact lens parameters; the
11 administering and prescription of pharmaceutical agents
12 rational to the diagnosis and treatment ~~of disease~~ of the
13 human eye and its adjacent structures; the removal of
14 superficial foreign bodies from the human eye and its adjacent
15 structures; the providing of developmental and perceptual
16 therapy for the vision system; the utilization of any method
17 or means to diagnose and treat diseases of the human eye and
18 its adjacent structures as determined and approved by the
19 board, subject to the limitations of this chapter; the
20 performance of primary eye care procedures or ordering of
21 laboratory tests rational to the diagnosis and treatment of
22 conditions or disease of the human eye and its adjacent
23 structures as determined and approved by the board, subject to
24 the limitations of this chapter. ~~The practice of optometry~~
25 ~~shall include~~ The term includes the prescribing and
26 administering of narcotic analgesics pursuant to the Alabama
27 Uniform Controlled Substances Act, except for narcotic

1 analgesics classified under Schedule I and II, and any
2 Schedule III pharmaceutical agents that contain
3 Dihydrocodeinone, ("Hydrocodone"). The prescribing or
4 administering of any other Schedule III pharmaceutical agent
5 shall be limited to a prescription, the duration of which does
6 not exceed 96 hours. Notwithstanding any provision of this
7 chapter to the contrary, ~~the practice of optometry shall~~
8 ~~include~~ term includes the prescribing and administering of
9 pharmaceutical agents which are commonly known as steroids.
10 ~~Optometrists are prohibited from performing injections into~~
11 ~~the eyeball, cataract surgery, muscle surgery, retinal~~
12 ~~surgery, radial keratotomy, laser surgery, cryosurgery, or any~~
13 ~~other invasive surgery. The Alabama Board of Optometry shall~~
14 ~~be a certifying board as defined in Section 20-2-2, except as~~
15 ~~limited by this chapter. The practice of optometry shall~~
16 ~~include~~ The term includes the authority to administer
17 benedryl, epinephrine, or other medication to counteract
18 anaphylaxis or anaphylactic reaction. The use and prescribing
19 of pharmaceutical agents for the treatment of the human eye
20 and its adjacent structures shall be limited to those
21 optometrists approved by the board.

22 "b. The term excludes the following ophthalmic
23 surgery procedures, except for the preoperative and
24 postoperative care of the following procedures:

25 "1. Retina laser procedures.

26 "2. Penetrating keratoplasty, corneal transplant,
27 lamellar keratoplasty or radial keratotomy.

- 1 "4. The administration of general anesthesia.
- 2 "5. Surgery done with general anesthesia.
- 3 "6. The following nonlaser surgical procedures:
- 4 "(i) Surgery related to removal of the eye from a
5 living human being.
- 6 "(ii) Surgery requiring full thickness incision or
7 excision of the cornea or sclera other than paracentesis in an
8 emergency situation requiring immediate reduction of the
9 pressure inside the eye.
- 10 "(iii) Surgery requiring incision of the iris and
11 ciliary body, including iris diathermy or cryotherapy.
- 12 "(iv) Surgery requiring incision of the vitreous.
- 13 "(v) Surgery requiring incision of the retina.
- 14 "(vi) Surgical extraction of the crystalline lens.
- 15 "(vii) Incisional or excisional surgery of the
16 extraocular muscles.
- 17 "(viii) Surgery of the eyelid for suspect eyelid
18 malignancies or for incisional cosmetic or mechanical repair
19 of blepharochalasis, ptosis, and tarsorrhaphy.
- 20 "(ix) Surgery of the bony orbit, including orbital
21 implants.
- 22 "(x) Incisional or excisional surgery of the
23 lacrimal system other than lacrimal probing or related
24 procedures.
- 25 "(xi) Surgery requiring full thickness
26 conjunctivoplasty with graft or flap.

1 "(xii) Any surgical procedure that does not provide
2 for the correction and relief of ocular abnormalities.

3 "(xiii) Retrobulbar injection.

4 "(xiv) Pterygium surgery.

5 "§34-22-42.

6 "(a) The board shall exercise and perform, subject
7 to this chapter, each of the following powers and duties:

8 "(1) Conduct examinations at least once each year to
9 ascertain the qualifications and fitness of applicants for
10 licenses to practice optometry.

11 "(2) Prescribe rules and regulations for conducting
12 and administering an examination of applicants for licensing
13 as optometrists and to effectuate this chapter.

14 "(3) Institute, upon a complaint or petition,
15 hearings of charges against licensed optometrists or other
16 persons as provided in this chapter.

17 "(4) Institute legal proceedings for violations of
18 this chapter.

19 "(5) Grant and deny licenses in conformity with this
20 chapter, including applications for approval to use
21 pharmaceutical agents.

22 "(6) Formulate rules and regulations by which the
23 board shall determine which optometry schools and colleges in
24 or out of the State of Alabama have been duly accredited by a
25 recognized and properly authorized accrediting agency and
26 which accredited schools or colleges shall be approved by the
27 board.

1 "(7) Establish standards of continuing education
2 which shall be deemed a requisite to the renewal of licenses
3 of applicants who are otherwise qualified to practice
4 optometry in the State of Alabama.

5 "(8) Keep a register of optometrists containing the
6 names and addresses of all persons to whom license
7 certificates, temporary licenses, approvals for use of
8 pharmaceutical agents, and limited licenses have been issued
9 in the State of Alabama, the date of the issuance, the place
10 or places of business in which each optometrist is engaged,
11 and all renewals, revocations, and suspensions of licenses and
12 certification.

13 "(9) Administer oaths and affirmations of witnesses,
14 issue subpoenas to compel the attendance of witnesses and the
15 production of all necessary papers, books, records,
16 documentary evidence, and materials in any hearing,
17 investigation, or other proceeding before the board.

18 "(10) Employ or appoint an executive director,
19 clerical personnel, and legal advisors or counsel to assist in
20 implementing this chapter when there is a need for those
21 services and when funds are available for those purposes. The
22 executive director may be a licensed optometrist in this
23 state, but may not, while serving as the executive director,
24 also serve as a member of the Board of Optometry. The
25 executive director shall not be subject to the state Merit
26 System.

1 "(11) Prescribe rules and regulations establishing a
2 program of internship as a requisite to application for
3 license, if the board deems such a program advisable.

4 "(12) Prescribe rules and regulations establishing
5 circumstances and conditions upon which temporary licenses may
6 be issued by the board and the terms and conditions of the
7 temporary licenses.

8 "(13) Prescribe rules and regulations subject to the
9 limitations of this chapter for the utilization of methods or
10 means of treatment recognized as being within the scope of the
11 practice of optometry.

12 "(14) Prescribe rules and regulations subject to the
13 limitations of this chapter necessary for the performance of
14 eye care procedures reasonably necessary to the treatment of
15 conditions or diseases of the human eye and its adjacent
16 structures.

17 "(15) Issue advisory opinions and declaratory
18 rulings pursuant to this chapter and rules adopted thereunder.

19 "(b) The board shall have the sole authority to
20 determine what constitutes the practice of optometry and sole
21 jurisdiction to exercise the enumerated powers and duties
22 under this chapter."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.