

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Anders

HB No. 449

**Abstract:** Revises qualifications for licensure as an optometrist and expands the powers of the La. State Board of Optometry Examiners.

Present law (R.S. 37:1048) authorizes the La. State Board of Optometry Examiners (board) to regulate the practice of optometry.

Proposed law retains present law and provides the board with expanded regulatory power as follows:

- (1) The ability to levy civil penalties not to exceed \$1,000 against any person who fails to attend a hearing as a witness, or otherwise, after that person has been timely served with a summons or subpoena.
- (2) Authorization of the board's legal counsel to represent the state and the board in courts and before the agencies of this state or the U.S. to further the purposes of regulating the practice of optometry.
- (3) Whenever there is evidence that any person has engaged, is engaged, or is about to engage in acts or practices that violate the provisions in present law, the board may bring an action in the court having jurisdiction to stop such acts or practices and enforce compliance with state law or the board imposed rule, regulation, or order. Requires the court having jurisdiction to issue a temporary restraining order or a preliminary or permanent injunction commanding compliance with state law or the board imposed rule, regulation, or order. Further, the board may seek a mandatory injunction commanding that a person comply with state law or the board imposed rule, regulation, or order. Alternatively, the board may require the person to make restitution of any money received in violation of state law or the board imposed rule, regulation, or order. The board may also notify the district attorney having jurisdiction over any such act, practice, or violation who may then institute criminal proceedings.

Present law (R.S. 37:1049) requires all persons desiring to practice optometry have graduated from a school or college of optometry that is approved by the board.

Proposed law retains present law and further requires those persons desiring to become licensed to practice optometry hold the graduate level Doctor of Optometry degree. Also, requires that applicants must have demonstrated that they have reached the qualification level necessary to

become certified to treat abnormal conditions and pathology of the human eye and its adnexa, as established by state law and the rules, regulations, or orders administered by the board.

Present law (R.S. 37:1051) requires optometrists seeking to qualify for certification to treat abnormal conditions and pathology of the human eye and its adnexa to qualify for such certification from the board by furnishing proof of satisfactory completion of additional studies with an emphasis on the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and its adnexa. An optometrist seeking specialized certification must have current certification that he has completed a basic course in cardiopulmonary resuscitation and proof that he has an operable, automatic epinephrine injector in his office.

Proposed law makes present law only applicable to those optometrists who graduated from optometry school prior to 1993.

Present law (R.S. 37:1051) requires an applicant to pass the written portion of the examination given by the International Association of Boards of Optometry regarding the treatment and management of ocular disease to meet the requirement for additional studies in didactic education.

Proposed law provides the name of the written test in present law as the Treatment and Management of Ocular Disease examination. Further, changes the entity administering the examination from the International Association of Boards of Optometry to the National Board of Examiners in Optometry. Also, allows the board to approve other examinations concerning the use of pharmaceutical agents and the treatment and management of ocular disease.

Present law (R.S. 37:1052) provides that if an applicant successfully passes the required examination he will receive a board certificate entitling him to practice optometry in this state. Establishes that such certificate or renewal is the only evidence of the right of a person to practice optometry.

Proposed law changes present law by adding a requirement that applicants pay all applicable fees including the original license fee and the original therapeutic pharmaceutical agent certificate fee, within 90 days of the examination date, to receive certificates entitling him to practice optometry in La. Proposed law prohibits the issuance of certificates to practice optometry or therapeutic optometry to an applicant who fails to pay all applicable fees within 90 days of his examination date. Authorizes the licensure of the practice of therapeutic optometry which will be evidenced by certificates or renewals. Allows an applicant to file a new application and retake the examination.

Proposed law makes technical changes.

(Amends R.S. 37:1049(intro. para.) and (3), 1051(C)(1) and (3), 1052, and 1063.1(C)(intro. para.); Adds R.S. 37:1048(6)(c), (d), and (e) and 1049(7))

## Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Specifies that whenever the board has evidence that a person has engaged, is engaged, or is about to engage in any acts or practices that violates present law or board rule, regulation, or order the board may take certain actions.