

Regular Session, 2014

HOUSE BILL NO. 1065

BY REPRESENTATIVES POPE, ANDERS, BARROW, BROWN, HENSGENS,  
HODGES, AND HOWARD

OPTOMETRISTS: Provides relative to the practice of optometry and the regulation of such profession

1 AN ACT

2 To amend and reenact R.S. 37:1041(C)(2)(a), (4)(a), and (5), to enact R.S. 37:1041(D) and  
3 (E), 1048(15), and 1049(8), and to repeal R.S. 37:1041(C)(2)(b) and (d) and  
4 1061(A)(29), relative to the practice of optometry; to provide definitions; to provide  
5 for the powers of the Louisiana State Board of Optometry Examiners in the control  
6 and regulation of the practice of optometry; to provide for qualifications and  
7 requirements of applicants for licensure as optometrists; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1041(C)(2)(a), (4)(a), and (5) are hereby amended and reenacted  
11 and R.S. 37:1041(D) and (E), 1048(15), and 1049(8) are hereby enacted to read as follows:

12 §1041. Legislative declaration; statement of purpose; definitions; scope of practice

13 \* \* \*

14 C. As used in this Chapter, the following terms have the meaning ascribed  
15 to them in this Section, unless the context clearly indicates otherwise:

16 \* \* \*

17 (2)(a) "Diagnostic and therapeutic pharmaceutical agent" means any  
18 ~~chemical in solution, suspension, emulsion, ointment base, or other form that when~~  
19 ~~used topically or orally has the property of assisting in~~ prescription or



1 therapeutic, or cosmetic purposes with respect to contact lenses. Optometry also  
2 includes the examination, diagnosis, and treatment, ~~other than by ophthalmic surgery~~  
3 of abnormal conditions and pathology of the human eye and its adnexa, including the  
4 provision use or prescription of vision therapy, ocular exercises, rehabilitation  
5 therapy, subnormal vision therapy, ordering of appropriate diagnostic lab or imaging  
6 tests; the dispensing of samples; ~~use, to initiate treatment;~~ and the use or prescription  
7 of diagnostic and therapeutic pharmaceutical agents. With respect to frames and  
8 lenses, including those containing diagnostic and therapeutic pharmaceutical agents,  
9 an optometrist may provide samples or dispense such products to his own patients,  
10 provided however that such dispensing activities shall conform to rules relative to  
11 packaging, labeling, and ~~record keeping~~ recordkeeping promulgated by the board.

12 D. The following ophthalmic surgery procedures are excluded from the  
13 scope of practice of optometry, except for the preoperative and postoperative care  
14 of these procedures:

15 (1) Retina laser procedures, Laser-Assisted In Situ Keratomileus (LASIK),  
16 Photorefractive Keratectomy (PRK), laser epithelial keratomileusis (LASEK), and  
17 any form of refractive surgery.

18 (2) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty.

19 (3) The administration of general anesthesia.

20 (4) Surgery done with general anesthesia.

21 (5) Laser or nonlaser injection into the vitreous chamber of the eye to treat  
22 any macular or retinal disease.

23 (6) The following nonlaser surgical procedures:

24 (a) Surgery related to removal of the eye from a living human being.

25 (b) Surgery requiring full thickness incision or excision of the cornea or  
26 sclera other than paracentesis in an emergency situation requiring immediate  
27 reduction of the pressure inside the eye.

28 (c) Surgery requiring incision of the iris and ciliary body, including iris  
29 diathermy or cryotherapy.



1 §1049. Qualifications and requirements of applicants

2 All persons desiring to become licensed to practice optometry shall:

3 \* \* \*

4 (8) Meet the credentialing requirements of the board to perform authorized  
5 ophthalmic surgery procedures.

6 Section 2. R.S. 37:1041(C)(2)(b) and (d) and 1061(A)(29) are hereby repealed in  
7 their entirety.

8 Section 3. This Act shall become effective upon signature by the governor or, if not  
9 signed by the governor, upon expiration of the time for bills to become law without signature  
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12 effective on the day following such approval.

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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)]

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Pope

HB No. 1065

**Abstract:** Provides relative to the practice and regulation of optometry, and authorizes optometrists to perform certain ophthalmic surgery procedures.

Present law relative to the practice of optometry defines "diagnostic and therapeutic pharmaceutical agent", in part, as any chemical in solution, suspension, emulsion, ointment base, or other form that when used topically or orally has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa. Proposed law revises the definition by deleting reference to such chemical used or prescribed for diagnosis, prevention, and treatment; and inserting in lieu thereof reference to prescription or nonprescription drugs delivered by any route of administration and used or prescribed for diagnosis, prevention, and treatment.

Present law defines "optometry" as the practice in which a person employs primary eye care procedures, or applies any means other than ophthalmic surgery, for the following:

- (1) Measurement of the powers and testing the range of vision of the human eye.
- (2) Determining the accommodative and refractive state of the eye, and its general scope of function.
- (3) Adaptation, sale, and dispensing of frames and lenses in all their forms, including plano or zero power contact lenses, to overcome errors of refraction and restore as near as possible, normal human vision, or for orthotic, prosthetic, therapeutic, or cosmetic purposes with respect to contact lenses.

Present law provides that optometry also includes the examination, diagnosis, and treatment, other than by ophthalmic surgery, of abnormal conditions and pathology of the human eye and its adnexa, including the provision of samples, use, and prescription of diagnostic and therapeutic pharmaceutical agents.

Proposed law revises present law to provide that, with the exception of certain procedures specified in proposed law, the practice of optometry includes ophthalmic surgery procedures such as YAG laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty.

Present law defines "ophthalmic surgery", and specifies that only persons licensed to practice medicine by the La. State Board of Medical Examiners under the laws of this state may perform such surgery. Proposed law revises present law to provide that nothing in present law limits an optometrist's ability to perform ophthalmic surgery procedures, other than the following procedures that are specifically excluded from the scope of practice by proposed law:

- (1) Retina laser procedures, Laser-Assisted In Situ Keratomileus (LASIK), Photorefractive Keratectomy (PRK), laser epithelial keratomileusis (LASEK), and any form of refractive surgery.
- (2) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty.
- (3) The administration of general anesthesia.
- (4) Surgery done with general anesthesia.
- (5) Laser or nonlaser injection into the vitreous chamber of the eye to treat any macular or retinal disease.
- (6) The following nonlaser surgical procedures:
  - (a) Surgery related to removal of the eye from a living human being.
  - (b) Surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye.
  - (c) Surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy.
  - (d) Surgery requiring incision of the vitreous.
  - (e) Surgery requiring incision of the retina.
  - (f) Surgical extraction of the crystalline lens.
  - (g) Surgical intraocular implants.
  - (h) Incisional or excisional surgery of the extraocular muscles.
  - (i) Surgery of the eyelid for suspect eyelid malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy.
  - (j) Surgery of the bony orbit, including orbital implants.
  - (k) Incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures.

- (l) Surgery requiring full thickness conjunctivoplasty with graft or flap.
- (m) Any surgical procedure that does not provide for the correction and relief of ocular abnormalities.
- (n) Injection or incision into the eyeball.
- (o) Retrobulbar or intraorbital injection.
- (p) Surgery requiring suturing.
- (q) Pterygium surgery.

Proposed law provides that in a public health emergency, the state health officer may authorize therapeutically licensed optometrists to administer inoculations for systemic health reasons.

Present law provides that the La. State Board of Optometry Examiners is responsible for the control and regulation of the practice of optometry, and authorizes certain functions that the board may undertake in exercising such control and regulation. Proposed law adds to present law an authorization for the board to require that any therapeutically licensed optometrist meet educational and competence criteria as established by the board in order to perform expanded therapeutic procedures.

Proposed law provides that all persons desiring to become licensed to practice optometry shall meet the credentialing requirements of the board to perform authorized ophthalmic surgery procedures.

Proposed law deletes present law limiting to a maximum of 48 hours the use or prescription by an optometrist of a pharmaceutical agent listed in Schedules III through V of the Uniform Controlled Dangerous Substances Law.

Present law establishes causes and offenses for which the La. State Board of Optometry Examiners may take any of the following actions:

- (1) Assess a fine not in excess of \$5,000.
- (2) Refuse to license, register, certify, or permit an applicant.
- (3) Refuse to renew a person's license or permit.
- (4) Revoke or suspend a license, registration, certificate, or permit.
- (5) Place a person on probation, reprimand a person, or issue a warning to a person.

Proposed law deletes from the list of offenses for which the board may take adverse action the practice of medicine or surgery by a person in his practice of optometry.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1041(C)(2)(a), (4)(a), and (5); Adds R.S. 37:1041(D) and (E), 1048(15), and 1049(8); Repeals R.S. 37:1041(C)(2)(b) and (d) and 1061(A)(29))

Summary of Amendments Adopted by House

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

1. Deleted proposed revision to the definition of "licensed optometrist" indicating that such term means a person who is an optometric physician.
2. In provisions of proposed law indicating that the practice of optometry includes ophthalmic surgery, added references to YAG laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty as examples of surgeries which optometrists may perform.
3. In the enumerated list of ophthalmic surgery procedures that proposed law excludes from the scope of practice of optometry, added laser epithelial keratomileusis (LASEK), pterygium surgery, intraorbital injection, surgery requiring suturing, and any surgery done with general anesthesia.
4. Deleted provision stipulating that nothing in present law or proposed law shall be construed as allowing any agency, board, or other entity of this state other than the La. State Board of Optometry Examiners to determine what constitutes the practice of optometry.
5. Deleted provision designating the La. State Board of Optometry Examiners as the sole authority to determine what constitutes the practice of optometry and granting the board sole jurisdiction to exercise any other powers and duties provided in present law and proposed law.
6. Deleted provision authorizing the La. State Board of Optometry Examiners to issue advisory opinions and declaratory rulings related to present law and proposed law and the administrative regulations promulgated pursuant thereto.