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ACT No. 398

HOUSE BILL NO. 1065

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

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
20	nonprescription drug delivered by any route of administration, used or prescribed for
21	the diagnosis, prevention, treatment, or mitigation of abnormal conditions and
22	pathology of the human eye and its adnexa, or those which may be used for such
23	purposes, and certain approved narcotics, when used in treatment of disorders or
24	diseases of the eye and its adnexa.
25	* * *

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(4)(a) "Ophthalmic surgery" means a procedure upon the human eye or its adnexa in which in vivo human tissue is injected, cut, burned, frozen, sutured, vaporized, coagulated, or photodisrupted by the use of surgical instrumentation such as, but not limited to, a scalpel, cryoprobe, laser, electric cautery, or ionizing radiation. Nothing in this Chapter shall limit an optometrist's ability to use diagnostic or therapeutic instruments utilizing laser or ultrasound technology in the performance of primary eye care or limit an optometrist's ability to perform ophthalmic surgery procedures other than those specifically excluded in Subsection D of this Section. Only persons licensed to practice medicine by the Louisiana State Board of Medical Examiners under the laws of this state may perform the ophthalmic surgery procedures specified in Subsection D of this Section.

* * *

(5) "Optometry" means that practice in which a person employs primary eye care procedures or applies any means other than including ophthalmic surgery such as YAG laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty, for the measurement of except for those surgery procedures specifically excluded in Subsection D of this Section; measures the powers and testing the range of vision of the human eye, and determines using subjective or objective means, including the use of lenses and prisms before the eye and autorefractors or other automated testing devices to determine its accommodative and refractive state, and general scope of function; and the 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. 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 use or prescription of vision therapy, ocular exercises, rehabilitation therapy, subnormal vision therapy, ordering of appropriate diagnostic lab or imaging tests; the dispensing of samples, use, to initiate treatment; and the use or prescription of diagnostic and therapeutic pharmaceutical agents. With respect to frames and HB NO. 1065 ENROLLED

1	lenses, including those containing diagnostic and therapeutic pharmaceutical agents,		
2	an optometrist may provide samples or dispense such products to his own patients,		
3	provided however that such dispensing activities shall conform to rules relative to		
4	packaging, labeling, and record keeping recordkeeping promulgated by the board.		
5	D. The following ophthalmic surgery procedures are excluded from the		
6	scope of practice of optometry, except for the preoperative and postoperative care		
7	of these procedures:		
8	(1) Retina laser procedures, Laser-Assisted In Situ Keratomileus (LASIK),		
9	Photorefractive Keratectomy (PRK), laser epithelial keratomileusis (LASEK), and		
10	any form of refractive surgery.		
11	(2) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty.		
12	(3) The administration of general anesthesia.		
13	(4) Surgery done with general anesthesia.		
14	(5) Laser or nonlaser injection into the vitreous chamber of the eye to treat		
15	any macular or retinal disease.		
16	(6) The following nonlaser surgical procedures:		
17	(a) Surgery related to removal of the eye from a living human being.		
18	(b) Surgery requiring full thickness incision or excision of the cornea or		
19	sclera other than paracentesis in an emergency situation requiring immediate		
20	reduction of the pressure inside the eye.		
21	(c) Surgery requiring incision of the iris and ciliary body, including iris		
22	diathermy or cryotherapy.		
23	(d) Surgery requiring incision of the vitreous.		
24	(e) Surgery requiring incision of the retina.		
25	(f) Surgical extraction of the crystalline lens.		
26	(g) Surgical intraocular implants.		
27	(h) Incisional or excisional surgery of the extraocular muscles.		
	(ii) incisional of excisional surgery of the extraocular inuscies.		
28	(i) Surgery of the eyelid for suspect eyelid malignancies or for incisional		
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1	(k) Incisional or excisional surgery of the lacrimal system other than lacrimal	
2	probing or related procedures.	
3	(l) Surgery requiring full thickness conjunctivoplasty with graft or flap.	
4	(m) Any surgical procedure that does not provide for the correction and	
5	relief of ocular abnormalities.	
6	(n) Injection or incision into the eyeball.	
7	(o) Retrobulbar or intraorbital injection.	
8	(p) Surgery requiring suturing.	
9	(q) Pterygium surgery.	
10	E. In a public health emergency, the state health officer may authorize	
11	therapeutically licensed optometrists to administer inoculations for systemic health	
12	reasons.	
13	* * *	
14	§1048. Powers of the board	
15	The board shall be responsible for the control and regulation of the practice	
16	of optometry and may:	
17	* * *	
18	(15) Require that any therapeutically licensed optometrist licensed to	
19	practice pursuant to this Chapter meet the educational and competence criteria	
20	established by the board in order to perform expanded therapeutic procedures.	
21	Evidence of proof of continuing competency shall be determined by the board.	
22	§1049. Qualifications and requirements of applicants	
23	All persons desiring to become licensed to practice optometry shall:	
24	* * *	
25	(8) Meet the credentialing requirements of the board to perform authorized	
26	ophthalmic surgery procedures.	
27	Section 2. R.S. 37:1041(C)(2)(b) and (d) and 1061(A)(29) are hereby repealed in	
28	their entirety.	
29	Section 3. This Act shall become effective upon signature by the governor or, if not	
30	signed by the governor, upon expiration of the time for bills to become law without signature	

1	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If		
2	vetoed by the governor and subsequently approved by the legislature, this Act shall become		
3	effective on the day following such approval.		
		SPEAKER OF THE HOUSE OF REPRESENTATIVES	
		PRESIDENT OF THE SENATE	
		GOVERNOR OF THE STATE OF LOUISIANA	
		GOVERNOR OF THE STATE OF LOOISINIA	
	APPROVED:		

ENROLLED

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