

## SENATE FILE NO. SF0055

Optometrists practice act amendments.

Sponsored by: Joint Labor, Health & Social Services Interim  
Committee

A BILL

for

1 AN ACT relating to optometry; amending optometrists' scope of  
2 practice; prohibiting an optometrist from performing  
3 specified procedures; amending optometrists' prescription and  
4 pharmaceutical drug prescribing authority; directing the  
5 application of optometry-related fines and penalties;  
6 directing the board of examiners in optometry to determine  
7 licensure and continuing education requirements as specified;  
8 amending membership on the board of examiners in optometry;  
9 repealing provisions that define unlawful conduct; repealing  
10 obsolete provisions related to volunteer licensing;  
11 authorizing rulemaking; removing obsolete language; making  
12 conforming amendments; and providing for effective dates.

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14 *Be It Enacted by the Legislature of the State of Wyoming:*

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1           **Section 1.** W.S. 33-23-101(b), by creating new  
2 subsections (c) through (e) and by renumbering (c) through  
3 (f) as (f) through (j), 33-23-102, 33-23-104, 33-23-106(a),  
4 33-23-109(a) and (c) and 33-23-114 are amended to read:

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6           **33-23-101. Definitions and exceptions.**

7

8           (b) The practice of optometry ~~is the employment of any~~  
9 ~~means other than the use of therapeutic lasers or surgery for~~  
10 ~~diagnosing and treating ocular pathology and for the~~  
11 ~~measurement of the powers or range of human vision or the~~  
12 ~~determination of the accommodative and refractive status of~~  
13 ~~the human eye or the scope of its functions in general or the~~  
14 ~~adaptation of lenses or frames for the aid thereof.~~ occurs  
15 when a person employs primary human eye care procedures,  
16 including:

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18                   (i) The examination, diagnosis and treatment of  
19 abnormal conditions and diseases of the eye, its adnexa and  
20 visual system;

21

1           (ii) Measuring the powers and range of vision of  
2 the eye to determine the accommodative and refractive state  
3 and general function of the eye;

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5           (iii) The adaptation, sale, prescribing and  
6 dispensing of frames and ophthalmic lenses in all their forms;

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8           (iv) Ordering of diagnostic laboratory or imaging  
9 tests;

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11           (v) The prescribing and administration of  
12 pharmaceutical agents, as provided in W.S. 33-23-102.

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14           (c) Except as otherwise provided by subsection (d) of  
15 this section, a person holding a license to practice optometry  
16 under this act is authorized to perform surgical and other  
17 advanced optometric procedures upon the human eye and adnexa  
18 for which the licensee has received training. The board may  
19 adopt rules specifying authorized procedures, licensee  
20 training requirements, reporting requirements and other  
21 matters as it deems necessary.

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1       (d) The following ophthalmic procedures shall be  
2 excluded from the authorized practice of optometry, except  
3 that preoperative and postoperative care of these procedures  
4 by a licensed optometrist shall be authorized:

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6               (i) The following procedures:

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8                       (A) Retina or corneal laser procedures;

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10                      (B) Penetrating keratoplasty or corneal  
11 transplants;

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13                      (C) Administration of general anesthesia;

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15                      (D) Surgery performed with general  
16 anesthesia;

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18                      (E) Laser or nonlaser procedures into the  
19 vitreous chamber of the eye for the purpose of treating any  
20 retinal or macular disease.

21

22               (ii) The following nonlaser procedures:

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1                   (A) Surgery related to removal of an eye from  
2 a living person;

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4                   (B) Surgery requiring full thickness  
5 incision or excision of the cornea or sclera, other than  
6 paracentesis, in an emergency requiring immediate reduction  
7 of pressure inside the eye;

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9                   (C) Surgery requiring incision of the iris or  
10 ciliary body, including diathermy or cryotherapy;

11

12                   (D) Surgery requiring incision of the  
13 vitreous;

14

15                   (E) Surgery requiring incision of the retina;

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17                   (F) Surgical extraction of the crystalline  
18 lens;

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20                   (G) Surgical intraocular implants;

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22                   (H) Incisional or excisional surgery of the  
23 extraocular muscles;

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(J) Surgery of the eyelid for suspected malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis or tarsorrhapy;

(K) Surgery of the bony orbit, including orbital implants;

(M) Incisional or excisional surgery of the lacrimal system other than probing or related procedures;

(N) Surgery requiring full thickness conjunctivoplasty with graft or flap;

(O) Pterygium surgery.

(e) The state health officer may authorize licensed optometrists to administer immunizations when providing the authority is not inconsistent with other law and when necessary for public health purposes.

~~(e)~~(f) The provisions of this chapter do not prevent a physician from treating or fitting glasses to the human eye,

1 or a physician or optometrist from filling prescriptions or  
2 orders. Nor do the provisions of this chapter prevent the  
3 replacing, duplicating or repairing of ophthalmic lenses or  
4 the frames or fittings thereof by persons qualified to write  
5 or fill prescriptions or orders under the provisions of this  
6 act, nor prevent the doing of the merely mechanical work upon  
7 such lenses or upon the frames or fittings thereof.

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9 ~~(d)~~(g) It is unlawful for any person to dispense,  
10 replace or duplicate ophthalmic lenses or any contact lenses  
11 without a prescription or order from a physician or  
12 optometrist. A contact lens prescription shall specifically  
13 state that it is intended for contact lenses and include the  
14 type and specification of the contact lenses being  
15 prescribed. An optometrist shall provide, at no additional  
16 cost to the patient, a written copy of his contact lens  
17 prescription. The prescription shall only be released after  
18 the contact lenses have been adequately fitted and no more  
19 follow-up visits are necessary to assure the contact lenses  
20 fit the patient. The essential information necessary to  
21 duplicate the prescription shall be defined by rules adopted  
22 by the board. All contact lens prescriptions shall have an  
23 expiration date after which it shall be unlawful to fill such

1 prescription. The prescribing optometrist shall not be liable  
2 for any injury or condition to a patient resulting from  
3 negligence in packaging, manufacturing or dispensing lenses  
4 by anyone other than the prescribing optometrist. Any person  
5 may file a complaint with the board seeking disciplinary  
6 action concerning any violation of this subsection. The board  
7 shall investigate or cause to be investigated and shall  
8 resolve a complaint on its own motion or upon receipt of a  
9 written complaint as provided by W.S. 33-23-110. No person  
10 shall improperly fill a contact lens prescription or fill an  
11 expired prescription.

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13 ~~(e)~~(h) The provisions of this chapter do not prohibit  
14 the sale of goggles, sunglasses, colored glasses or  
15 occupational eye-protective devices if they do not have  
16 refractive values, nor do the provisions of this act prohibit  
17 the sale of complete ready-to-wear eyeglasses as merchandise  
18 by any person not holding himself out as competent to examine,  
19 test or prescribe for the human eye or its refractive errors.

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21 ~~(f)~~(j) Nothing in this act shall prevent an optometrist  
22 from using assistants in his practice under his general  
23 supervision as defined in board rule.

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2           **33-23-102. Optometrist's use of certain drugs;**  
3 **limitation.**

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5 An optometrist shall be allowed to prescribe, dispense and  
6 administer ~~and prescribe~~ approved pharmaceutical agents  
7 ~~related to the practice of optometry~~ for the diagnosis and  
8 treatment of ocular abnormalities, excluding ~~the following~~  
9 ~~categories of oral medications: immunosuppressives, steroids,~~  
10 ~~anti-fungals, sedative hypnotics, and~~ schedule I and II  
11 narcotics. ~~No medication shall be given by injection. Oral~~  
12 ~~anti-glaucoma medications may be administered for a period~~  
13 ~~not to exceed forty eight (48) hours. An optometrist who~~  
14 ~~administers or prescribes pharmaceutical agents for~~  
15 ~~examination or for treatment shall provide the same standard~~  
16 ~~of care to patients as that provided by a physician utilizing~~  
17 ~~the same pharmaceutical agents for examination or treatment~~  
18 but allowing for the prescribing of hydrocodone or  
19 hydrocodone-containing pharmaceutical agents regardless of  
20 schedule.

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1           33-23-104. Board of examiners in optometry; created;  
2 composition; designation; duties generally; appointment;  
3 qualifications and terms of members; vacancies; oath.

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5 The Wyoming state board of examiners in optometry is created  
6 to carry out the purposes and enforce the provisions of this  
7 act. The board shall consist of ~~three (3)~~ five (5) members  
8 appointed by the governor. ~~In 2005, one (1) board member shall~~  
9 ~~be appointed for a term of three (3) years, one (1) board~~  
10 ~~member shall be appointed for a term of two (2) years and one~~  
11 ~~(1) board member shall be appointed for a term of one (1)~~  
12 ~~year. Thereafter,~~ and shall include three (3) licensed  
13 optometrists, one (1) member of the public and one (1)  
14 licensed healthcare professional. The terms of the office of  
15 the members appointed shall be three (3) years or until their  
16 successors have qualified. Each member of the board shall be  
17 a resident of the state of Wyoming and each optometrist member  
18 of the board shall have been engaged in the actual practice  
19 of optometry in the state for at least one (1) year prior to  
20 appointment. The governor shall make all appointments to fill  
21 vacancies caused by death, resignation or removal. The  
22 governor may remove any member as provided in W.S. 9-1-202.  
23 The members of the board, before entering upon their duties,

1 shall take and subscribe to the oath required to be taken by  
2 state officers and shall file the oath in the office of the  
3 secretary of state.

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5 **33-23-106. Board of examiners in optometry;**  
6 **compensation of members; disposition of funds.**

7

8 (a) Each member of the board may receive as  
9 compensation the sum paid each day to members of the state  
10 legislature for each day spent in board meetings and per diem  
11 and mileage as provided in W.S. 33-1-302(a)(vii). Expenses  
12 shall be paid from the fees, ~~fin~~es and assessments received  
13 under the provisions of this act. All fees, ~~fin~~es, ~~assessments~~  
14 and other monies, except fines and penalties, received under  
15 the provisions of this act, may be used for meeting the  
16 expenses of the board and in carrying out the provisions of  
17 this act. In no event shall any expenses be charged against  
18 the state.

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20 **33-23-109. Examinations; qualifications.**

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22 (a) Any applicant for licensure under this act is  
23 required to pass the examination series administered by the

1 National Board of Examiners in Optometry, or its successor  
2 agency, ~~and or~~ any other examination specified by the board  
3 in rule. The applicant shall be a graduate of an optometric  
4 school or college accredited by a regional or professional  
5 accreditation organization which is recognized or approved by  
6 the council on postsecondary accreditation or the United  
7 States Department of Education (USDE) or the Council on Higher  
8 Education Accreditation (CHEA), or their successor agencies.  
9 Examinations shall cover subjects designated by the board.  
10 ~~Any currently licensed person intending to employ diagnostic~~  
11 ~~or therapeutic pharmaceutical agents in his practice is~~  
12 ~~required to complete and pass a board approved course~~  
13 ~~pertaining to the use of those agents~~ The board shall  
14 determine additional testing, licensure and qualification  
15 requirements pursuant to rules promulgated by the board.

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17 (c) In addition to ~~subsections (a) and (b)~~ satisfying  
18 requirements imposed under subsection (a) of this section, an  
19 applicant for licensure under this act shall provide the board  
20 fingerprints and other information necessary for a criminal  
21 history record background check as provided under W.S.  
22 7-19-201.

23

1           **33-23-114. Continuing education courses required; use**  
2 **of fees.**

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4 All optometrists shall take courses of study in subjects  
5 relating to the practice of the profession of optometry for  
6 the utilization and application of new techniques, scientific  
7 and clinical advances, and achievements of research which  
8 will assure expansive and comprehensive care to the public.

9 ~~The board shall prescribe the length of study. Attendance~~  
10 ~~shall be at a course or courses approved by the board.~~

11 ~~Attendance at any course or courses of study is to be~~  
12 ~~certified to the board upon a form provided by the board and~~  
13 ~~submitted by each optometrist to the board.~~ The board may use

14 up to one-half (1/2) of its annual renewal fees for the  
15 purposes of contracting with institutions of higher learning,

16 professional organizations, or qualified individuals to  
17 provide educational programs that meet this requirement. The

18 board may also treat funds set aside for the purpose of  
19 continuing education as state funds for the purpose of

20 accepting any funds made available under federal law on a  
21 matching basis for the programs of continuing education. ~~In~~

22 ~~no instance may the board require a greater number of hours~~  
23 ~~of study than are available at approved courses held within~~

1 ~~this state. The board may waive the requirements of this~~  
2 ~~section in cases of certified illness or undue hardship~~ The  
3 board shall determine the requirements for continuing  
4 education pursuant to rules promulgated by the board.

5

6 **Section 2.** W.S. 33-23-109(b) and (d), 33-23-111(b) and  
7 33-23-117 are repealed.

8

9 **Section 3.**

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11 (a) For the purpose of the promulgation of rules as  
12 required or permitted by this act, this act is effective  
13 immediately upon completion of all acts necessary for a bill  
14 to become law as provided by Article 4, Section 8 of the  
15 Wyoming Constitution.

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17 (b) Except as provided by subsection (a) of this  
18 section, this act is effective July 1, 2019.

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(END)