

## Optometric Practice Act AOA Model Legislation

**Note: This is model legislation with exclusionary language and should be adapted by a legislative council to conform the proposal with your state law before being introduced to ensure it will be effective in your state.**

### Definitions

**Practice of Optometry** means the evaluation, diagnosis, prevention or treatment of diseases, disorders or conditions of the vision system, eyes, and adjacent and associated structures, including the use or prescription of lenses, prisms, vision therapy, vision rehabilitation; the prescription of diagnostic and therapeutic pharmaceutical agents, including schedule II narcotic agents limited to hydrocodone combination drugs and schedule III, IV and V controlled substances for ocular disease; the use and prescription of medical devices; and ophthalmic surgery. It includes measuring the powers and range of vision of the human eye using subjective and objective means; the use of lenses, prisms and automated testing devices to determine its accommodative and refractive state and general scope of function; 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; ordering of appropriate diagnostic lab or imaging tests; and the dispensing of samples to initiate treatment.

**Diagnostic and therapeutic pharmaceutical agent:** any prescription or nonprescription drug delivered by any route of administration, used or prescribed for the diagnosis, treatment, prevention, or mitigation of abnormal conditions and diseases of the human eye and its adnexa, and visual system or those which may be used for such purposes, and approved narcotics when used in the treatment of disorders or diseases of the eye and its adnexa.

**Ophthalmic surgery:** a procedure upon the human eye and adnexa in which in vivo 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 the ability of a Doctor of Optometry to use diagnostic or therapeutic instruments utilizing laser, light, radiofrequency or ultrasound technology in the performance of eye care or limit an optometrist's ability to perform ophthalmic surgery procedures other than those listed in [enter appropriate statutory reference].

The following ophthalmic surgery procedures are excluded from the practice of optometry, except for the preoperative and postoperative care of these procedures:

- (A) Retina laser procedures.

- (B) Penetrating keratoplasty or corneal transplant of any kind.
- (C) Surgery done with general, regional or MAC anesthesia and the administration of such anesthesia.
- (D) Injection into the vitreous chamber of the eye to treat any retinal or macular disease.
- (E) LASIK.
- (F) Corneal implants.
- (G) Surgery related to removal of the eye from a living human being.
- (H) Surgery requiring full thickness incision or excision of the cornea or sclera.
- (I) Surgery requiring incision of the iris and ciliary body, including diathermy or cryotherapy.
- (J) Vitrectomy.
- (K) Retinal surgery.
- (L) Surgical extraction of an intraocular or crystalline lens.
- (M) Surgical implantation of an intraocular lens.
- (N) Incisional or excisional surgery of the extraocular muscles.
- (O) Surgery of the eyelid for confirmed malignancies or for incisional cosmetic or mechanical repair.
- (P) Surgery of the orbit.
- (Q) Incisional or excisional surgery of the lacrimal system.
- (R) Surgery requiring full thickness conjunctivoplasty, including pterygium or pinguecula excision.

Surgical procedures not involving the eye or adnexa are not part of the practice of optometry.

In a public health emergency, the state health officer may authorize therapeutically licensed Doctors of Optometry to administer inoculations for systemic health reasons.

#### Credentialing Requirements

[Insert appropriate board name] shall establish the credentialing requirements which must be fulfilled before a person may perform surgical adnexa and laser procedures for the practice of optometry.

#### **Board Regulation/Autonomy**

(1) Nothing in this chapter shall be construed as allowing any agency, board, or other entity of this state other than the [insert appropriate board name] to determine what constitutes the practice of optometry.

(2) The board shall have the sole authority to determine what constitutes the practice of optometry and sole jurisdiction to exercise any other powers and duties under this chapter. The board may issue advisory opinions and declaratory rulings related to this chapter and the administrative regulations promulgated under this chapter.

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The practice of optometry includes, but is not limited to:

- (I) The removal of foreign bodies, excluding intraocular, from the human eye or its appendages;
- (II) Postoperative care in the following situations:
  - (A) With agreement between optometrist and surgeon; and
  - (B) The patient prefers;
- (III) The treatment of anterior uveitis;
- (IV) The treatment of glaucoma;
- (V) Epilation;
- (VI) Dilation and irrigation of the lacrimal system;
- (VII) Punctal plug insertion and removal;
- (VIII) Anterior corneal puncture;
- (IX) Corneal scraping for cultures;
- (X) Debridement or removal of corneal epithelium;
- (XI) Injections for the treatment of conditions or diseases of the eye or eyelid, excluding intraocular injections penetrating the globe into the vitreous chamber;
- (XII) The use of a local anesthetic in conjunction with the primary treatment of an eyelid lesion;
- (XIII) Removal and biopsy of eyelid lesions without characteristics or obvious signs of malignancy, excluding lesions involving the eyelid margin or larger than five millimeters in size;
- (XIV) Incision and curettage of a chalazion;
- (XV) Simple repair of an eyelid laceration no larger than two and one-half centimeters and no deeper than the orbicularis muscle and not involving the eyelid margin or lacrimal drainage structures;
- (XVI) Corneal cross-linking; and
- (XVII) Laser capsulotomy, laser peripheral iridotomy, and laser trabeculoplasty.