

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 22-0322.01 Sarah Lozano x3858

HOUSE BILL 22-1233

HOUSE SPONSORSHIP

**Lontine and Soper**, McCormick, Ortiz, Titone, Baisley, Bennett, Boesenecker, Duran, Holtorf, Hooton, Jodeh, Kipp, Lindsay, McLachlan, Valdez A., Valdez D., Will

SENATE SPONSORSHIP

**Simpson and Ginal**,

House Committees

Health & Insurance  
Finance  
Appropriations

Senate Committees

Finance  
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF  
102 OPTOMETRY BY THE STATE BOARD OF OPTOMETRY, AND, IN  
103 CONNECTION THEREWITH, IMPLEMENTING THE  
104 RECOMMENDATIONS IN THE 2021 SUNSET REPORT BY THE  
105 DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Sunset Process - House Health and Insurance Committee.** The bill implements the recommendations of the department of regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
Amended 2nd Reading  
May 6, 2022

HOUSE  
3rd Reading Unamended  
April 25, 2022

HOUSE  
Amended 2nd Reading  
April 22, 2022

agencies (department), as specified in the department's sunset review of the state board of optometry (board), as follows:

- **Sections 1 and 2** of the bill continue the board and the regulation of optometry for 11 years, until September 1, 2033;
- **Section 3** authorizes the board to expand the definition of the practice of optometry by rule to include any service, procedure, or treatment that is within the training and skills of optometrists based on the standardized examination required for licensure;
- **Section 4** removes the exemption for optometrists from the requirement to notify the board in the event that the optometrist is unable to treat patients with reasonable skill and safety; and
- **Section 5** removes references to the "National Board of Examiners in Optometry" and clarifies that the board may designate any national standardized examination that tests the applicant's ability to practice optometry as a requirement for licensure.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-275-130  
3 as follows:

4 **12-275-130. Repeal of article - review of functions.** This article  
5 275 is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2033. Before  
6 the repeal, the functions of the board performed pursuant to this article  
7 275 are scheduled for review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
9 (23)(a)(I); and **add** (34)(a)(II) as follows:

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for repeal, continuation, or reestablishment - legislative**  
12 **declaration - repeal.** (23) (a) The following agencies, functions, or both,  
13 are scheduled for repeal on September 1, 2022:

14 (I) ~~The state board of optometry created in article 275 of title 12;~~

1 (34) (a) The following agencies, functions, or both, are scheduled  
2 for repeal on September 1, 2033:

3 (II) THE STATE BOARD OF OPTOMETRY CREATED IN ARTICLE 275  
4 OF TITLE 12.

5 **SECTION 3.** In Colorado Revised Statutes, 12-275-103, **amend**  
6 (1)(b)(X) and (1)(b)(XI); and **add** (1)(b)(XII), (1)(b)(XIII), (1)(b)(XIV),  
7 (1)(b)(XV), (1)(b)(XVI), (1)(b)(XVII), and (1)(b)(XVIII) as follows:

8 **12-275-103. Practice of optometry defined - prescribing drugs**  
9 **- therapeutic optometrist - rule.** (1) (b) The following are part of the  
10 practice of optometry:

11 (X) Debridement of corneal epithelium; **and**

12 (XI) Removal of corneal epithelium;

13 (XII) INJECTIONS FOR THE TREATMENT OF CONDITIONS OR  
14 DISEASES OF THE EYE OR EYELID, EXCLUDING INTRAOCULAR INJECTIONS  
15 PENETRATING THE GLOBE;

16 (XIII) THE USE OF A LOCAL ANESTHETIC IN CONJUNCTION WITH  
17 THE PRIMARY TREATMENT OF AN EYELID LESION;

18 (XIV) REMOVAL AND BIOPSY OF EYELID LESIONS WITHOUT  
19 CHARACTERISTICS OR OBVIOUS SIGNS OF MALIGNANCY, EXCLUDING  
20 LESIONS INVOLVING THE EYELID MARGIN OR LARGER THAN FIVE  
21 MILLIMETERS IN SIZE;

22 (XV) INCISION AND CURETTAGE OF A CHALAZION;

23 (XVI) SIMPLE REPAIR OF AN EYELID LACERATION NO LARGER THAN  
24 TWO AND ONE-HALF CENTIMETERS AND NO DEEPER THAN THE  
25 ORBICULARIS MUSCLE AND NOT INVOLVING THE EYELID MARGIN OR  
26 LACRIMAL DRAINAGE STRUCTURES;

27 (XVII) CORNEAL CROSS-LINKING; AND

1 (XVIII) LASER CAPSULOTOMY, LASER PERIPHERAL IRIDOTOMY,  
2 AND LASER TRABECULOPLASTY.

3 **SECTION 4.** In Colorado Revised Statutes, 12-30-108, **repeal**  
4 (4)(b)(I) as follows:

5 **12-30-108. Confidential agreement to limit practice - violation**  
6 **grounds for discipline.** (4) (b) Subsection (1)(a) of this section  
7 regarding notification for confidential agreements does not apply to:

8 (I) ~~Article 275 of this title 12 concerning optometrists;~~

9 **SECTION 5.** In Colorado Revised Statutes, 12-275-110, **amend**  
10 (1)(c); and **add (3), (4), (5), (6), and (7)** as follows:

11 **12-275-110. Application for license - licensure by**  
12 **endorsement.** (1) A person who desires to practice optometry in the state  
13 may file with the board an application for a license, giving the  
14 information required in a form and manner approved by the board. The  
15 applicant shall demonstrate that the applicant possesses the following  
16 qualifications:

17 (c) The applicant has successfully passed ~~the written~~ A  
18 STANDARDIZED NATIONAL examination ~~of the National Board of~~  
19 ~~Examiners in Optometry.~~ The board shall have the authority, upon its  
20 investigation and approval of the examination standards, to approve some  
21 body other than the National Board of Examiners in Optometry as the  
22 ~~examining body~~ APPROVED BY THE BOARD THAT TESTS THE  
23 QUALIFICATIONS OF THE APPLICANT TO PRACTICE OPTOMETRY IN THE  
24 STATE.

25 (3) A LICENSEE LICENSED UNDER THIS SECTION WHO PERFORMS  
26 LASER PROCEDURES OR TREATS OCULAR ADNEXA SHALL DEMONSTRATE  
27 COMPETENCY AND COMPLETE ONE OF THE FOLLOWING EDUCATION AND

1 EXAMINATION REQUIREMENTS PRIOR TO PERFORMING THESE PROCEDURES:

2 (a) GRADUATE FROM AN ACCREDITED COLLEGE OR UNIVERSITY OF  
3 OPTOMETRY IN 2019 OR LATER WHERE THE LASER PROCEDURES AND  
4 OCULAR ADNEXA TREATMENTS WERE TAUGHT AND DEMONSTRATE  
5 PASSAGE OF THE STANDARDIZED NATIONAL EXAMINATION APPROVED BY  
6 THE BOARD PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION; OR

7 (b) COMPLETE A TRAINING COURSE APPROVED BY THE BOARD AND  
8 SATISFACTORILY COMPLETE A PROCTORED CLINICAL SESSION WITHIN TWO  
9 YEARS PRIOR TO PERFORMING LASER PROCEDURES OR TREATING OCULAR  
10 ADNEXA. PROCTORING MAY BE PERFORMED BY AN OPTOMETRIST OR  
11 OPHTHALMOLOGIST LICENSED TO PERFORM THE PROCEDURES IN ANY  
12 JURISDICTION.

13 (4) IF A LICENSEE HAS NOT PERFORMED A LASER PROCEDURE  
14 WITHIN THE PAST TWO YEARS, THE LICENSEE SHALL SATISFACTORILY  
15 COMPLETE ANOTHER PROCTORED CLINICAL SESSION PRIOR TO PERFORMING  
16 ANY LASER PROCEDURES.

17 (5) A LICENSEE PERFORMING THE PROCEDURES DESCRIBED IN  
18 SUBSECTION (3) OF THIS SECTION SHALL REPORT TO THE BOARD ANY  
19 ADVERSE OUTCOMES FOLLOWING EACH PROCEDURE. THE LICENSEE SHALL  
20 DELIVER SUCH REPORTS AND ANY CORRESPONDING PATIENT RECORDS TO  
21 THE BOARD OFFICE WITHIN TEN DAYS AFTER THE DATE THAT THE LICENSEE  
22 IS AWARE OF THE ADVERSE OUTCOME.

23 (6) A LICENSEE SHALL MAINTAIN DOCUMENTATION EVIDENCING  
24 COMPLETION OF THE REQUIREMENTS OF SUBSECTIONS (3), (4), AND (5) OF  
25 THIS SECTION AND SHALL PROVIDE THE DOCUMENTATION TO THE BOARD  
26 UPON REQUEST. PERFORMING ANY OF THE PROCEDURES DESCRIBED IN  
27 SUBSECTION (3) OF THIS SECTION WITHOUT MEETING THE REQUIREMENTS

1 OF SUBSECTIONS (3), (4), AND (5) OF THIS SECTION MAY SUBJECT THE  
2 LICENSEE TO DISCIPLINE BY THE BOARD PURSUANT TO SECTION  
3 12-275-122.

4 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE  
5 REQUIREMENTS OF SUBSECTIONS (3), (4), (5), AND (6) OF THIS SECTION DO  
6 NOT APPLY TO A LICENSEE'S PERFORMANCE OF THE PROCEDURES AND  
7 TREATMENTS SPECIFIED IN SECTION 12-275-103 (1)(b)(I), (1)(b)(V),  
8 (1)(b)(VI), AND (1)(b)(VII).

9 **SECTION 6. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2022 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.