

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 6, 2022

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB22-1233 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 5 through 17 and substitute:

2           **"SECTION 3.** In Colorado Revised Statutes, 12-275-103, **amend**  
3 (1)(a), (1)(b) introductory portion, (1)(b)(IV), (1)(b)(X), (1)(b)(XI), (1)(d)  
4 introductory portion, (1)(d)(I), and (1)(d)(III); **repeal** (1)(d)(IV); and **add**  
5 (1)(b)(XII), (1)(d)(V), (1)(d)(VI), (1)(d)(VII), (1)(d)(VIII), (1)(d)(IX),  
6 (1)(d)(X), and (1)(d)(XI) as follows:

7           **12-275-103. Practice of optometry defined - prescribing drugs**  
8 **- therapeutic optometrist.** (1) (a) As used in this article 275, the  
9 "practice of optometry" means the evaluation, diagnosis, prevention, or  
10 treatment of diseases, disorders, or conditions of the vision system, eyes,  
11 THEIR APPENDAGES, and adjacent and associated structures, including the  
12 use or prescription of lenses, prisms, vision therapy, vision rehabilitation,  
13 and prescription or nonprescription drugs including schedule II controlled  
14 narcotic substances limited to hydrocodone combination drugs and  
15 schedule III, IV, and V controlled narcotic substances for ocular disease,  
16 so long as an optometrist is practicing within the scope of his or her  
17 education as is commonly taught in accredited schools and colleges of  
18 optometry and is practicing in accordance with applicable federal and  
19 Colorado law and board rules.

20           (b) The following are part of the practice of optometry INCLUDES:

21           (IV) The treatment of glaucoma ~~with all topical and oral~~  
22 ~~antiglaucoma drugs;~~

23           (X) Debridement of corneal epithelium; ~~and~~

24           (XI) Removal of corneal epithelium; AND

25           (XII) AS DETERMINED BY THE BOARD BY RULE, ANY SERVICE,  
26 PROCEDURE, OR TREATMENT NOT PROHIBITED UNDER THIS ARTICLE 275  
27 AND THAT IS WITHIN THE TRAINING AND SKILLS OF OPTOMETRISTS BASED  
28 ON THE AREAS OF COMPETENCE TESTED BY A STANDARDIZED NATIONAL

1 EXAMINATION APPROVED BY THE BOARD PURSUANT TO SECTION  
2 12-275-110 (1)(c).  
3 (d) The FOLLOWING PROCEDURES ARE EXCLUDED FROM THE  
4 "practice of optometry", ~~does not include~~ EXCEPT FOR THE PREOPERATIVE  
5 AND POSTOPERATIVE CARE OF THE FOLLOWING PROCEDURES:  
6 (I) ~~Surgery of or injections into~~ the globe, orbit, eyelids, or ocular  
7 adnexa. AS USED IN THIS SECTION, "surgery" OR "SURGICAL" means any  
8 procedure ~~in which human tissue is cut, altered, or otherwise infiltrated~~  
9 ~~by mechanical or laser means~~ REQUIRING SYSTEMIC OR GENERAL  
10 ANESTHESIA.  
11 (III) SURGICAL OR INJECTABLE treatment of posterior uveitis; ~~or~~  
12 (IV) ~~The use of injectable drugs, except for the use of an~~  
13 ~~epinephrine auto-injector to counteract anaphylactic reaction.~~  
14 (V) RETINAL LASER PROCEDURES;  
15 (VI) LASER IN-SITU KERATOMILEUSIS, PHOTOREFRACTIVE  
16 KERATECTOMY, LASER EPITHELIAL KERATOMILEUSIS, AND SMALL INCISION  
17 LENTICULE EXTRACTION SURGERIES;  
18 (VII) RETROBULBAR OR INTRAORBITAL INJECTIONS;  
19 (VIII) INJECTIONS PENETRATING THE GLOBE INTO THE POSTERIOR  
20 CHAMBER OF THE EYE;  
21 (IX) ANY SURGERY THAT DOES NOT PROVIDE FOR THE CORRECTION  
22 AND RELIEF OF OCULAR ABNORMALITY;  
23 (X) ADMINISTRATION OF GENERAL ANESTHESIA; AND  
24 (XI) ANY SURGERY REQUIRING SYSTEMIC OR GENERAL  
25 ANESTHESIA, INCLUDING:  
26 (A) SURGICAL EXTRACTION OF THE CRYSTALLINE LENS;  
27 (B) SURGICAL IMPLANTATION OF AN INTRAOCULAR LENS;  
28 (C) PENETRATING KERATOPLASTY AND LAMELLAR  
29 KERATOPLASTY;  
30 (D) PTERYGIUM EXCISION;  
31 (E) SURGERY REQUIRING FULL THICKNESS CONJUNCTIVOPLASTY  
32 WITH GRAFT OR FLAP;  
33 (F) INCISIONAL OR EXCISIONAL SURGERY OF THE EXTRAOCULAR  
34 MUSCLES;  
35 (G) SURGERY OF THE EYELID FOR CONFIRMED MALIGNANCIES OR  
36 FOR INCISIONAL COSMETIC OR MECHANICAL REPAIR OF  
37 BLEPHAROCALASIS, PTOSIS, OR TARSORRHAPHY;  
38 (H) SURGERY REQUIRING INCISION OF THE IRIS OR CILIARY BODY,  
39 INCLUDING IRIS DIATHERMY AND CRYOTHERAPY;  
40 (I) SURGERY OF THE BONY ORBIT, INCLUDING THE INSERTION OF  
41 ORBITAL IMPLANTS;  
42 (J) INCISIONAL OR EXCISIONAL SURGERY OF THE LACRIMAL  
43 SYSTEM, EXCEPT LACRIMAL PROBING OR RELATED PROCEDURES;

- 1 (K) VITREORETINAL SURGERY;
- 2 (L) SURGICAL REMOVAL OF THE EYE FROM A LIVING PERSON; AND
- 3 (M) SURGICAL TRANSPLANTATION OF OCULAR TISSUE.

4 **SECTION 4.** In Colorado Revised Statutes, 12-275-106, **amend**  
5 (1)(a) as follows:

6 **12-275-106. Persons excluded from operation of this article.**

7 (1) This article 275 does not apply to:

- 8 (a) Professional practice by a physician or surgeon licensed to
- 9 practice medicine under the laws of the state of Colorado and ancillary or
- 10 technical assistants working under the ~~direction of a licensed physician~~
- 11 ~~or surgeon, with the exception of the fitting of contact lenses that must be~~
- 12 ~~done under the physician's or surgeon's direct supervision;~~

13 **SECTION 5.** In Colorado Revised Statutes, 12-275-108, **amend**  
14 (1)(h) as follows:

15 **12-275-108. Powers and duties of the board - rules - limitation**  
16 **on authority.** (1) In addition to all other powers and duties conferred  
17 upon the board by this article 275, the board has the following powers and  
18 duties:

- 19 (h) To prescribe rules authorizing optometrists to utilize
- 20 therapeutic procedures and therapeutic techniques in the practice of
- 21 optometry. ~~These rules shall in no way expand the practice of optometry,~~
- 22 ~~nor shall the rules include the use of therapeutic or cosmetic lasers.~~ The
- 23 rules shall specify approved programs of education offered by an
- 24 accreditation organization recognized or approved by the Commission on
- 25 Recognition of Postsecondary Accreditation or the United States
- 26 department of education or their successors."

27 Renumber succeeding sections accordingly.

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