

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0322.01 Sarah Lozano x3858

HOUSE BILL 22-1233

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HOUSE SPONSORSHIP

Lontine and Soper, McCormick, Ortiz, Titone

SENATE SPONSORSHIP

(None),

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House Committees  
Health & Insurance

Senate Committees

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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.

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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.

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.

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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) as follows:

7 **12-275-103. Practice of optometry defined - prescribing drugs**  
8 **- therapeutic optometrist.** (1) (b) The following are part of the practice  
9 of optometry:

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

11 (XI) Removal of corneal epithelium; AND

12 (XII) AS DETERMINED BY THE BOARD BY RULE, ANY SERVICE,  
13 PROCEDURE, OR TREATMENT NOT PROHIBITED UNDER THIS ARTICLE 275  
14 AND THAT IS WITHIN THE TRAINING AND SKILLS OF OPTOMETRISTS BASED  
15 ON THE AREAS OF COMPETENCE TESTED BY A STANDARDIZED NATIONAL  
16 EXAMINATION APPROVED BY THE BOARD PURSUANT TO SECTION  
17 12-275-110 (1)(c).

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

20 **12-30-108. Confidential agreement to limit practice - violation**  
21 **grounds for discipline.** (4) (b) Subsection (1)(a) of this section  
22 regarding notification for confidential agreements does not apply to:

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

24 **SECTION 5.** In Colorado Revised Statutes, 12-275-110, **amend**  
25 (1)(c) as follows:

26 **12-275-110. Application for license - licensure by**  
27 **endorsement.** (1) A person who desires to practice optometry in the state

1 may file with the board an application for a license, giving the  
2 information required in a form and manner approved by the board. The  
3 applicant shall demonstrate that the applicant possesses the following  
4 qualifications:

5 (c) The applicant has successfully passed ~~the written~~ A  
6 STANDARDIZED NATIONAL examination ~~of the National Board of~~  
7 ~~Examiners in Optometry.~~ The board shall have the authority, upon its  
8 investigation and approval of the examination standards, to approve some  
9 body other than the National Board of Examiners in Optometry as the  
10 ~~examining body~~ APPROVED BY THE BOARD THAT TESTS THE  
11 QUALIFICATIONS OF THE APPLICANT TO PRACTICE OPTOMETRY IN THE  
12 STATE.

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