

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0322.01 Sarah Lozano x3858

HOUSE BILL 22-1233

HOUSE SPONSORSHIP

Lontine and Soper, McCormick, Ortiz, Titone

SENATE SPONSORSHIP

Simpson and Ginal,

House Committees

Health & Insurance
Finance
Appropriations

Senate Committees

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.

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) NONTHERMAL LASERS, INCLUDING LASER CAPSULOTOMY,
2 LASER PERIPHERAL IRIDOTOMY, 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) 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 SECTION 6. **Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.