

## CHAPTER 398

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 22-1233**

BY REPRESENTATIVE(S) Lontine and Soper, McCormick, Ortiz, Titone, Baisley, Bernett, Boesenecker, Duran, Holtorf, Hooton, Jodeh, Kipp, Lindsay, McLachlan, Valdez A., Valdez D., Will, Bird, Catlin, Daugherty, Ricks, Sullivan; also SENATOR(S) Simpson and Ginal, Gonzales, Jaquez Lewis, Lee, Story.

**AN ACT**

**CONCERNING THE CONTINUATION OF THE REGULATION OF OPTOMETRY BY THE STATE BOARD OF OPTOMETRY, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE 2021 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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

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

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 Repeal of article - review of functions.** This article 275 is repealed, effective ~~September 1, 2022~~ **SEPTEMBER 1, 2033**.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

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

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

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

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

(VI) **THE STATE BOARD OF OPTOMETRY CREATED IN ARTICLE 275 OF TITLE 12.**

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

(XI) Removal of corneal epithelium;

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

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

(XIV) 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;

(XV) INCISION AND CURETTAGE OF A CHALAZION;

(XVI) 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;

(XVII) CORNEAL CROSS-LINKING; AND

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

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

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

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

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

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

(c) The applicant has successfully passed ~~the written~~ A STANDARDIZED NATIONAL

~~examination of the National Board of Examiners in Optometry. The board shall have the authority, upon its investigation and approval of the examination standards, to approve some body other than the National Board of Examiners in Optometry as the examining body~~ APPROVED BY THE BOARD THAT TESTS THE QUALIFICATIONS OF THE APPLICANT TO PRACTICE OPTOMETRY IN THE STATE.

(3) A LICENSEE LICENSED UNDER THIS SECTION WHO PERFORMS LASER PROCEDURES OR TREATS OCULAR ADNEXA SHALL DEMONSTRATE COMPETENCY AND COMPLETE ONE OF THE FOLLOWING EDUCATION AND EXAMINATION REQUIREMENTS PRIOR TO PERFORMING THESE PROCEDURES:

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

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

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

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

(6) A LICENSEE SHALL MAINTAIN DOCUMENTATION EVIDENCING COMPLETION OF THE REQUIREMENTS OF SUBSECTIONS (3), (4), AND (5) OF THIS SECTION AND SHALL PROVIDE THE DOCUMENTATION TO THE BOARD UPON REQUEST. PERFORMING ANY OF THE PROCEDURES DESCRIBED IN SUBSECTION (3) OF THIS SECTION WITHOUT MEETING THE REQUIREMENTS OF SUBSECTIONS (3), (4), AND (5) OF THIS SECTION MAY SUBJECT THE LICENSEE TO DISCIPLINE BY THE BOARD PURSUANT TO SECTION 12-275-122.

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

**SECTION 6. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2022