

CHAPTER 305

PROFESSIONS AND OCCUPATIONS

SENATE BILL 96-092

BY SENATORS Wattenberg, Johnson, and Weddig;
also REPRESENTATIVES Agler, Armstrong, Dean, June, Reeser, Schwarz, Entz, Hagedorn, Lamm, and Leyba.

AN ACT

CONCERNING THE ADDITION OF THERAPEUTIC CONDITIONS THAT MAY BE TREATED BY CERTIFIED LICENSED OPTOMETRISTS, AND, IN CONNECTION THEREWITH, AUTHORIZING SUCH OPTOMETRISTS TO USE NEW MEDICINES AND TECHNIQUES AND REQUIRING ADDITIONAL TRAINING, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 12-40-102 (1), (3), and (5), Colorado Revised Statutes, 1991 Repl. Vol., as amended, are amended, and the said 12-40-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-40-102. Practice of optometry defined. (1) The practice of the profession of optometry is: The employment of any means other than medicine, surgery, invasive laser surgery, postoperative care management following surgery without referral from an ophthalmologist, unless ninety days have expired from and after the surgery or the physician justifies medically indicated reasons for extending the postoperative period or the patient has been released by the physician, X-ray, or drugs, except as provided in subsections (4) and (5) of this section, to diagnose and treat the presence of abnormal conditions of the human eye or its appendages and the accommodative and refractive conditions of the human eye or the scope of its functions in general; except for treatment of ~~glaucoma and iritis~~ POSTERIOR UVEITIS; and the measurement of the powers or range of human vision and the adaptation of lenses and frames to improve the powers or range of human vision. Any person who is engaged in the prescribing of visual training or orthoptics, or the prescribing of any contact lenses, or the fitting or adaptation of such contact lenses to the human eye, or the use of scientific instruments to train the visual system or any abnormal condition of the eyes for the correction or improvement of, or the relief to, the visual function, or who holds ~~himself~~ ONESELF out as being able to do so, is engaged in the practice

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

of optometry.

(3) A licensed optometrist shall not use pharmaceutical agents for treatment of eye disease or disorder or for any therapeutic purpose unless certified as a therapeutic optometrist pursuant to section 12-40-109.5 (1.5) AND (3).

(5) The classes of pharmaceutical agents and the procedures approved for optometric use for treatment of the anterior segment of the eye or its appendages, including prescription, by certified therapeutic optometrists for treatment purposes under this section are as follows: Topical and oral antimicrobials (except oral antiviral and oral antifungal agents), topical and oral antihistamines, topical antiinflammatory agents, ~~and no more than .6 grams of codeine per one hundred milliliters or not more than thirty milligrams per dosage unit, with one or more active, nonnarcotic analgesic ingredients in recognized therapeutic amounts~~ TOPICAL AND ORAL NONSCHEDULED ANALGESICS, AND ANY CONTROLLED SUBSTANCE FOR OCULAR PAIN AND INFLAMMATION EXCEPT THOSE SPECIFIED IN SCHEDULES I AND II AS PROVIDED IN PART 2 OF ARTICLE 18 OF TITLE 18, C.R.S., and the removal of superficial foreign bodies from the human eye or its appendages.

(6) THE CLASSES OF PHARMACEUTICAL AGENTS APPROVED FOR OPTOMETRIC USE BY CERTIFIED THERAPEUTIC OPTOMETRISTS FOR TREATMENT OF GLAUCOMA INCLUDE TOPICAL AND ORAL ANTIGLAUCOMA AGENTS.

(7) (a) AN OPTOMETRIST WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT TO SECTIONS 12-40-107 (1) (n) and 12-40-109.5 (3) MAY TREAT ANTERIOR UVEITIS AND GLAUCOMA; EXCEPT THAT AN OPTOMETRIST SHALL CONSULT WITH AN OPHTHALMOLOGIST OR OTHER PHYSICIAN LICENSED TO PRACTICE MEDICINE WHEN:

(I) A PATIENT UNDER TWELVE YEARS OF AGE PRESENTS WITH NONTRAUMATIC ANTERIOR UVEITIS;

(II) A PATIENT'S ANTERIOR UVEITIS IS NOT RESOLVING AFTER A FOURTEEN-DAY PERIOD OF TREATMENT;

(III) A DIAGNOSIS OF GLAUCOMA IS MADE;

(IV) ACUTE CLOSED ANGLE GLAUCOMA IS DIAGNOSED IN WHICH CASE CONSULTATION SHALL OCCUR WITHIN TWENTY-FOUR HOURS OF INITIAL TREATMENT.

(b) THE PARAMETERS OF THE CONSULTATION SHALL BE AT THE DISCRETION OF THE CONSULTING OPHTHALMOLOGIST OR OTHER CONSULTING PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF THIS TITLE.

SECTION 2. 12-40-107 (1), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-40-107. Powers and duties of the board. (1) In addition to all other powers and duties conferred upon the board by this article, the board has the following powers and duties:

(n) TO PRESCRIBE RULES AUTHORIZING OPTOMETRISTS TO UTILIZE THERAPEUTIC PROCEDURES AND THERAPEUTIC TECHNIQUES IN THE PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 12-40-102. THESE RULES SHALL IN NO WAY EXPAND THE PRACTICE OF OPTOMETRY AS DEFINED IN SECTION 12-40-102 NOR SHALL SUCH RULES INCLUDE THE USE OF THERAPEUTIC OR COSMETIC LASERS. SUCH RULES SHALL SPECIFY APPROVED PROGRAMS OF EDUCATION OFFERED BY AN ACCREDITATION ORGANIZATION RECOGNIZED OR APPROVED BY THE COMMISSION ON RECOGNITION OF POSTSECONDARY ACCREDITATION OR THE UNITED STATES DEPARTMENT OF EDUCATION OR THEIR SUCCESSORS.

SECTION 3. The introductory portion to 12-40-108 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 12-40-108 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-40-108. Application for license - licensure by endorsement. (1) Every person who does not currently hold a license to practice optometry in this state and who desires to practice optometry within the state shall file with the board his AN application for a license, giving the information required on a form to be provided by the board, wherein it shall appear that the applicant possesses the following qualifications:

(f) AFTER JULY 1, 1996, THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF SECTION 12-40-109.5 (3) OR EQUIVALENT REQUIREMENTS APPROVED BY THE BOARD, INCLUDING PASSING A STANDARDIZED NATIONAL EXAMINATION IN THE TREATMENT AND MANAGEMENT OF OCULAR DISEASE.

SECTION 4. 12-40-108.5, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-40-108.5. Current licensees - treatment and therapeutic practice. On and after July 1, 1988, a person who is licensed under this article as an optometrist on June 30, 1988, and who is otherwise qualified under the provisions of this article may use the classes of pharmaceutical agents for examination purposes described in section 12-40-102 (4). However, such optometrist may utilize the classes of pharmaceutical agents for treatment of eye disease or disorder or for any therapeutic purpose described in section 12-40-102 (5) AND (6) only if he OR SHE becomes certified as a therapeutic optometrist pursuant to section 12-40-109.5 (1.5) AND (3) on or after July 1, 1988.

SECTION 5. 12-40-109.5, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-40-109.5. Certification for use of pharmaceutical agents. (3) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-40-108.5, ANY OPTOMETRIST WHO HOLDS A THERAPEUTIC OPTOMETRIST CERTIFICATE ON OR BEFORE JULY 1, 1996, AND ANY NEW APPLICANT FOR A LICENSE SHALL MEET ALL REQUIREMENTS PRESCRIBED BY THE BOARD BEFORE COMMENCING TREATMENT OF GLAUCOMA OR ANTERIOR UVEITIS. THE BOARD SHALL SUSPEND, AS PROVIDED IN SECTION 12-40-119, THE THERAPEUTIC OPTOMETRIST CERTIFICATE OF ANY OPTOMETRIST WHO FAILS TO MEET THE REQUIREMENTS OF THIS SECTION ON OR BEFORE MARCH 31, 1999. SUCH SUSPENSION SHALL BE TERMINATED WHEN THE OPTOMETRIST HAS FULFILLED THE REQUIREMENTS

OF THIS SECTION.

SECTION 6. 12-40-118 (1), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-40-118. Unprofessional conduct defined. (1) The term "unprofessional conduct", as used in this article, means:

(II) PRACTICING BEYOND THE SCOPE OF EDUCATION AND TRAINING PRESCRIBED BY RULES ADOPTED BY THE BOARD.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the optometric board cash fund not otherwise appropriated, to the department of regulatory agencies for allocation to the division of registrations, for the fiscal year beginning July 1, 1996, the sum of ten thousand seventy-five dollars (\$10,075), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1996, the sum of nine hundred ninety-seven dollars (\$997), or so much thereof as may be necessary, for the implementation of this act. Such appropriation shall be from cash funds received by the department of regulatory agencies from the optometric board cash fund.

SECTION 8. Effective date - applicability. This act shall take effect on July 1, 1996, and shall apply to all applicants for an optometrist license and to all currently licensed optometrists; except that those applicants who have applied for an optometrist license under this article before July 1, 1996, and who receive such a license on or after July 1, 1996, shall, for the purpose of Section 5, be considered licensed optometrists.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became law without the Governor's signautre June 8, 1996